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U.S. House of Representatives  
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CONTESTED ELECTION CASE

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OF

JULIUS KAHN vs. EDWARD J. LIVERNASH,

FROM THE

FOURTH CONGRESSIONAL DISTRICT  
OF CALIFORNIA.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.

1903.

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## CONTESTED ELECTION CASE

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JULIUS KAHN vs. EDWARD J. LIVERNASH,

FROM THE

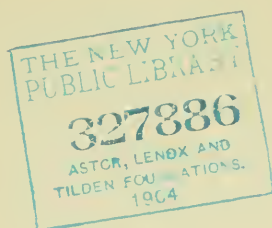
FOURTH CONGRESSIONAL DISTRICT  
OF CALIFORNIA.

U.S. House of Representatives

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CONTESTED ELECTION CASE  
OF  
JULIUS KAHN vs. EDWARD J. LIVERNASH,  
FROM THE  
FOURTH CONGRESSIONAL DISTRICT OF CALIFORNIA.

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PRELIMINARY.

STATE OF CALIFORNIA,  
*City and County of San Francisco, ss:*

I, Eugene W. Levy, having been appointed a notary public in and for the city and county of San Francisco, State of California, and having been appointed a special commissioner under section 110 of the Revised Statutes of the United States, to take the testimony of witnesses in the matter of Julius Kahn, contesting the election of Edward J. Livernash to a seat in the Fifty-eighth Congress of the United States, contestant, *v.* Edward J. Livernash, contestee, do solemnly swear that I will faithfully perform the duties imposed upon me by said appointment, and I further swear that I am a disinterested person and in no manner interested in said matter pending between the said above-mentioned parties.

EUGENE W. LEVY.

Subscribed and sworn to before me this 11th day of February, A. D. 1903.

[SEAL.]

N. E. W. SMITH,

*Notary Public in and for the City and County of San Francisco,  
State of California.*

LAW OFFICE OF HENRY C. DIBBLE & DIBBLE,  
*San Francisco, Cal., February 11, 1903.*

In the matter of the contest of Julius Kahn, of the Fourth Congressional district of California, *v.* Edward J. Livernash, Representative-elect to the Fifty-eighth Congress of the United States from the Fourth district of California.

Testimony taken before Eugene W. Levy, a notary public in and for the city and county of San Francisco, State of California, pursuant to the notice hereinafter appearing.

MORNING SESSION.

Present: Henry C. Dibble and Oliver Dibble, esqrs., comprising the law firm of Henry C. Dibble & Dibble, attorneys for contestant; and James F. Tevlin, esq., attorney for Edward J. Livernash, the contestee.

It is stipulated by and between the attorneys for the contestant and the attorney for contestee that the depositions to be taken in this matter shall be taken in shorthand and then transcribed, and that, after the same have been transcribed, the several witnesses shall sign their respective testimony in the presence of the notary public before whom the testimony is taken.

Thereupon Clement Bennett and Charles R. Gagan, stenographers, were duly sworn by the notary public to correctly report and transcribe the testimony that may be taken upon this examination.

And thereupon attorneys for contestant offered in evidence, on behalf of contestant, the notice of contest, which said notice is marked "Contestant's Exhibit A," and is in words and figures as following, to wit:

SAN FRANCISCO, December 30, 1902.

Hon. EDWARD J. LIVERNASH.

*Returned as Representative-elect to the Fifty-eighth Congress  
of the United States for the Fourth District of California.*

SIR: You are hereby notified that I intend to contest your right to a seat as a Representative in the Fifty-eighth Congress of the United States from the Fourth Congressional district of California.

I claim and will prove that at the Congressional election held in the Fourth district of California on the 4th day of November, 1902, I received a majority of all the legal votes cast for Congressman for that district.

I claim and will prove that the alleged plurality of the 141 votes counted, canvassed, and declared for you was obtained by counting and canvassing a large number of illegal ballots and votes for you; that these illegal ballots and votes amounted in the aggregate to not less than the number of 1,367, and that, so far from your having been legally elected by a plurality of 141 votes, I was in fact elected by a plurality of not less than 1,226 votes.

I claim specifically and will prove that, in the Seventeenth precinct of the Thirtieth assembly district, 15 illegal ballots and votes were cast, counted, and canvassed for you; that the illegality of said ballots and votes consisted in the fact that they were unlawfully marked by the voters who cast them, so that they might afterwards be identified, in violation of the election laws of the State of California.

I claim and will prove that in the Seventh precinct of the said Thirtieth district, 7 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the Fourth precinct of the Thirty-first assembly district, 23 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the Second precinct of the Forty-second assembly district, 9 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the Sixteenth precinct of the Twenty-ninth assembly district, 20 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the Ninth precinct of the Twenty-ninth assembly district, 23 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the Sixteenth precinct of the Twenty-eighth assembly district, 19 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the Twentieth precinct of the Thirtieth assembly district, 31 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in sixteenth precinct of the Thirtieth assembly district 13 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the eighteenth precinct of the Thirtieth assembly district 13 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the nineteenth precinct of the Thirtieth assembly district 12 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the seventh precinct of the Thirty-first assembly district 19 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the ninth precinct of the Thirty-first assembly district 19 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the first precinct of the Twenty-eighth assembly district 19 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the third precinct of the Thirtieth assembly district 10 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the seventh precinct of the Twenty-eighth assembly district 15 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the second precinct of the Thirty-first assembly district 19 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the ninth precinct of the Twenty-eighth assembly district 13 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the third precinct of the Forty-first assembly district 10 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the fifth precinct of the Forty-first assembly district 10 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the first precinct of the Forty-fifth assembly district 16 such illegal ballots and votes were cast, counted, and canvassed for you.



I claim and will prove that in the second precinct of the Forty-fourth assembly district 12 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the sixth precinct of the Forty-fourth assembly district 12 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the eleventh precinct of the Forty-fifth assembly district 10 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the thirteenth precinct of the Twenty-ninth assembly district 20 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the fourteenth precinct of the Twenty-ninth assembly district 23 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the fifteenth precinct of the Twenty-ninth assembly district 7 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the seventeenth precinct of the Twenty-ninth assembly district 20 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the eighteenth precinct of the Twenty-ninth assembly district 17 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the twentieth precinct of the Twenty-ninth assembly district 12 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the second precinct of the Twenty-eighth assembly district 19 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the third precinct of the Twenty-eighth assembly district 14 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the fourth precinct of the Twenty-eighth assembly district 9 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the fifth precinct of the Twenty-eighth assembly district 10 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim and will prove that in the eighth precinct of the Twenty-eighth assembly district 17 such illegal ballots and votes were cast, counted, and canvassed for you.

I claim that in each of the 9 additional precincts of the Twenty-eighth assembly district not hereinbefore specified not less than 10 such illegal ballots and votes were cast, counted, and canvassed for you, making an additional 90 such illegal ballots and votes cast, counted, and canvassed for you.

I claim and will prove that in each of the 12 other precincts in the Twenty-ninth assembly district not hereinbefore specified there were not less than 10 such illegal ballots and votes cast, counted, and canvassed for you, making for you an additional 120 such illegal ballots and votes cast, counted, and canvassed for you.

I claim and will prove that in each of the other 13 precincts in the Thirtieth assembly district not hereinbefore specified not less than 10 such illegal ballots and votes were cast, counted, and canvassed for you, making an additional 130 such illegal ballots and votes cast, counted, and canvassed for you.

I claim and will prove that in each of the 16 additional precincts of the Thirty-first assembly district not hereinbefore specified not less than 10 such illegal ballots and votes were cast, counted, and canvassed for you, making an additional 160 such illegal ballots and votes cast, counted, and canvassed for you.

I claim and will prove that in each of the 20 additional precincts of the Forty-second assembly district not hereinbefore specified not less than 10 such illegal ballots and votes were cast, counted, and canvassed for you, making an additional 200 illegal ballots and votes cast, counted, and canvassed for you.

I claim and will prove that in each of the 13 additional precincts of the Forty-fifth assembly district not hereinbefore specified not less than 10 such illegal ballots and votes were cast, counted, and canvassed for you, making an additional 130 illegal ballots and votes cast, counted, and canvassed for you.

In due time, in the manner required by law, I will take depositions and other proof to sustain these allegations and charges.

I authorize you to serve your answer to this notice upon my attorneys, Henry C. Dibble & Dibble, Mills Building, San Francisco, Cal., and I authorize and empower them to receive and acknowledge service of such answer.

Very respectfully,

JULIUS KAHN.

HENRY C. DIBBLE & DIBBLE.

*Attorneys for Contestant.*

STATE OF CALIFORNIA, *City and County of San Francisco, ss:*

Julius Kahu, being sworn, deposes and says that he is the contestant named in and who signed the above and foregoing notice of intention to contest the election of Edward J. Livernash as a Representative in the Fifty-eighth Congress of the United States, from the Fourth district of California. Affiant states that he has read the foregoing notice of intention to contest and knows the contents thereof, and that the same is true of his own knowledge, except as to matters and things therein set forth on his information and belief, and as to those he believes it to be true.

JULIUS KAHN.

Subscribed and sworn to before me this 30th day of December, A. D. 1902.

[SEAL.]

EUGENE W. LEVY.

*Notary Public in and for the City and County  
of San Francisco, State of California.*

OLIVER DIBBLE, being duly sworn by the notary, answers and deposes as follows:

By Mr. DIBBLE:

1. Q. What is your name, age, residence, and occupation?—A. Oliver Dibble: 24 years old; attorney at law; 2515 Van Ness avenue, San Francisco.
2. Q. State whether or not you served the notice of contest in this case upon the contestee; and if so, state when and where you did so.—A. I served the notice of contest in this matter upon Mr. Edward J. Livernash personally on the 30th day of December, 1902, in the court room of department 4, in the superior court of the city and county of San Francisco in this city.

OLIVER DIBBLE.

Thereupon attorneys for contestant offered in evidence the answer of the contestee, which is marked "Contestant's Exhibit B." and is in the words and figures following, to wit:

SAN FRANCISCO, *January 28, 1903.*

Hon. JULIUS KAHN.

SIR: I answer your notice of intention to contest my right to a seat as a Representative in the Fifty-eighth Congress of the United States from the Fourth Congressional district of California, as follows:

First I object or demur to said notice on the ground that it does not specify particularly, or at all, the grounds, or any ground, on which you rely in the contest.

Second. I object or demur to the first claim asserted in said notice—that is, that you received a majority of all the legal votes cast for Congressman for the said district on the ground that it does not specify particularly, or at all, the grounds upon which you rely.

Third. I object or demur to the second claim asserted in said notice—that is, that the plurality counted, canvassed, and declared for me was obtained by counting and canvassing a large number of illegal ballots and votes for me—on the ground that it does not specify particularly, or at all, wherein any ballot or vote counted and canvassed, or any ballot or vote either counted or canvassed for me was illegal, and on the ground that the said second claim does not specify particularly, or at all, any ground on which you rely.

Fourth. I object or demur to the third claim asserted in said notice on the ground that it does not specify particularly how the 15 alleged illegal ballots therein mentioned or how any of them were unlawfully marked by the voters who cast them, so that they might be afterwards identified.

Fifth. I object or demur to each and every one of the claims asserted in said notice from and after the third claim therein asserted, severally so objecting or demurring to each, on the ground that it does not specify particularly, or at all, the grounds on which you rely.

And I further answer your said notice, reserving, however, the several objections thereto already taken and not waiving any of them, by denying each and every statement or allegation therein contained. I deny that you received a majority of all the legal votes cast for Congressman for the said Fourth Congressional district. I deny that the plurality of votes counted, canvassed, and declared for me was obtained by counting and canvassing, or by either counting or canvassing any illegal ballots or votes for me. On the contrary, I allege that while at the election for Congressman in the Fourth Congressional district held in the year

1900 you were given a majority of 5,557 votes, and the normal majority of your party in said district as apportioned in and by the apportionment act of March 23, 1901, should be over 2,000 votes greater than it was in the year 1900, you were notwithstanding defeated at the late election by a majority of more than 1,500 votes, as I shall state more particularly hereafter.

I deny that in the Seventeenth precinct of the Thirtieth assembly district 15 illegal ballots were cast, counted, or canvassed for me; or that any illegal ballots or ballot were or was cast, or counted, or canvassed for me; and I deny that 15 ballots, or any ballots or ballot unlawfully marked by the voters who cast them or by the voter who cast any of them, so that they or any of them might afterwards be identified in violation of the election laws of the State of California, were or was cast, or counted, or canvassed for me in the said precinct.

I deny that in the seventh precinct of the said Thirtieth district 7 such illegal ballots, or any illegal ballots or ballot, were or was cast or counted, or canvassed for me; I deny that in the fourth precinct of the Thirty-first assembly district 23 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the second precinct of the Forty-second assembly district 9 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the sixteenth precinct of the Twenty-ninth assembly district 20 such illegal ballots or votes, or any illegal ballots or ballot, were or was cast or counted, or canvassed for me; I deny that in the ninth precinct of the Twenty-ninth assembly district 23 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the sixteenth precinct of the Twenty-eighth assembly district 19 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the twentieth precinct of the Thirtieth assembly district 31 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the sixteenth precinct of the Thirtieth assembly district 13 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the eighteenth precinct of the Thirtieth assembly district 13 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the nineteenth precinct of the Thirtieth assembly district 12 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the seventh precinct of the Thirty-first assembly district 19 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the ninth precinct of the Thirty-first assembly district 19 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the first precinct of the Twenty-eighth assembly district 19 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the third precinct of the Thirtieth assembly district 10 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the seventh precinct of the Twenty-eighth assembly district 15 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the second precinct of the Thirty-first assembly district 19 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the ninth precinct of the Twenty-eighth assembly district 13 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the third precinct of the Forty-first assembly district 10 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the fifth precinct of the Forty-first assembly district 10 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the first precinct of the Forty-fifth assembly district 16 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the second precinct of the Forty-fourth assembly district 12 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the sixth precinct of the Forty-fourth assembly district 12 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the eleventh precinct of the Forty-fifth assembly district 10 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the thirteenth precinct of the Twenty-ninth assembly district 20 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the fourteenth precinct of the Twenty-ninth assembly district 23 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted,



or canvassed for me; I deny that in the fifteenth precinct of the Twenty-ninth assembly district 7 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the seventeenth precinct of the Twenty-ninth assembly district 20 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the eighteenth precinct of the Twenty-ninth assembly district 17 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the twentieth precinct of the Twenty-ninth assembly district 12 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the second precinct of the Twenty-eighth assembly district 19 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the third precinct of the Twenty-eighth assembly district 14 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the fourth precinct of the Twenty-eighth assembly district 9 such illegal ballots, or any illegal ballots or ballot, were cast, or counted, or canvassed for me; I deny that in the fifth precinct of the Twenty-eighth assembly district 10 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me; I deny that in the eighth precinct of the Twenty-eighth assembly district 17 such illegal ballots, or any illegal ballots or ballot, were or was cast, or counted, or canvassed for me.

I deny that in each or in any of the 9 additional precincts of the Twenty-eighth assembly district not otherwise specified in your said notice not less than 10 such illegal ballots, or that any illegal ballots or ballot were or was cast or counted or canvassed for me; I deny that in each or in any of the 12 other precincts of the Twenty-ninth assembly district not otherwise specified in your said notice not less than 10 such illegal ballots, or that any illegal ballots or ballot were or was cast or counted or canvassed for me; I deny that in each or in any of the other 13 precincts in the Thirtieth assembly district not otherwise specified in your said notice not less than 10 such illegal ballots, or that any illegal ballots or ballot were or was cast or counted or canvassed for me; I deny that in each or in any of the 16 additional precincts of the Thirty-first assembly district not otherwise specified in your said notice not less than 10 such illegal ballots, or that any illegal ballots or ballot were or was cast or counted or canvassed for me; I deny that in each or in any of the 20 additional precincts of the Forty-second assembly district not otherwise specified in your said notice not less than 10 such illegal ballots, or that any illegal ballots or ballot were or was cast or counted or canvassed for me; I deny that in each or in any of the 13 additional precincts of the Forty-fifth assembly district not otherwise specified in your said notice not less than 10 illegal ballots, or that any illegal ballots or ballot were or was cast or counted or canvassed for me.

And further answering your said notice, but still expressly reserving each and every objection which I have made thereto, and as a separate and distinct defense to the claims therein asserted, and as another ground on which I rest the validity of my election, I allege:

That in the election for Representative in Congress held in the Fourth Congressional district of the State of California, on the 4th day of November, 1902, each and every of the boards of election for the several precincts composing the said Fourth Congressional district did, in canvassing the vote given at such election in their respective precincts, canvass and count as votes for you, as a candidate for the office above mentioned, certain ballots upon each of which the person who cast each had placed a mark by which his ballot might be afterwards identified as the one voted by him, in violation of the election laws of the State of California; that in the seventeenth precinct of the Thirtieth assembly district not less than 11 ballots so marked were cast and were canvassed and counted as votes for you; that in the seventh precinct of the said Thirtieth district not less than 10 ballots so marked were cast and were canvassed and counted as votes for you; that in the fourth precinct of the Thirty-first assembly district not less than 9 ballots so marked were cast and were canvassed and counted as votes for you; that in the second precinct of the Forty-second assembly district not less than 10 ballots so marked were cast and were canvassed and counted as votes for you; that in the sixteenth precinct of the Twenty-ninth assembly district not less than 12 ballots so marked were cast and were canvassed and counted as votes for you; that in the ninth precinct of the Twenty-ninth assembly district not less than 10 ballots so marked were cast and were canvassed and counted as votes for you; that in the sixteenth precinct of the Twenty-eighth assembly district not less than 9 ballots so marked were cast and were canvassed and counted as votes for you; that in the

[illegible]

That in each of the 9 remaining precincts of the Twenty-eighth assembly district, not hereinbefore particularly mentioned, not less than 10 ballots so marked were cast and were canvassed and counted as votes for you; that in each of the 12 remaining precincts of the Twenty-ninth assembly district, not hereinbefore particularly mentioned, not less than 10 ballots so marked were cast and were canvassed and counted as votes for you; that in each of the 13 remaining precincts of the Thirtieth assembly district, not hereinbefore particularly mentioned, not less than 10 ballots so marked were cast and were canvassed and counted as votes for you; that in each of the 13 remaining precincts of the Fortieth assembly district, not hereinbefore particularly mentioned, not less than 10 ballots so marked were cast and were canvassed and counted as votes for you; that in each of the 12 remaining precincts of the Forty-first assembly district, not hereinbefore particularly mentioned, not less than 10 ballots so marked were cast and were canvassed and counted as votes for you; that in each of the 20 remaining precincts of the Forty-second assembly district not less than 10 ballots so marked were cast and were canvassed and counted as votes for you; that in each of the 16 remaining precincts of the Forty-third assembly district, not hereinbefore particularly mentioned, not less than 10 ballots so marked were cast and were canvassed and counted as votes received for you; that in each of the 19 remaining precincts of the Forty-fourth assembly district, not hereinbefore particularly mentioned, not less than 10 ballots so marked were cast and were canvassed and counted as votes for you; that in each of the 13 remaining precincts of the Forty-fifth assembly district, not hereinbefore particularly mentioned, not less than 10 ballots so marked were cast and were canvassed and counted as votes for you.

That, in consequence of the acts of the several precinct election boards above specified, you have been credited in the returns of the election herein mentioned and in the canvass of said returns made by the board of election commissioners of the city and county of San Francisco and by the secretary of state with over 1,800 votes more than the number of legal votes given for you in said election, and my plurality, instead of being 141, is, in fact, greatly in excess of that number.

Yours, respectfully,

EDWARD J. LIVERNASH.

JAS. F. TEVLIN, *Attorney for Contestee.*

3. Q. State, Mr. Dibble, whether the answer of the contestee was served upon the attorneys for the contestant; and if so, when and where.—A. I received the answer of contestee in this matter from the hands of Mr. James F. Tevlin on the 29th day of January, 1903, about noon.

OLIVER DIBBLE.

Thereupon attorneys for contestant offered in evidence a notice of the taking of depositions in this matter, together with the admission of service of the attorney for the contestee and of the contestee in person, which notice is marked "Contestant's Exhibit C." and is in the words and figures following, to wit:

SAN FRANCISCO, CAL., *February 5, 1903.*

TO EDWARD J. LIVERNASH, Esq., OF

TO JAMES F. TEVLIN, Esq., his attorney duly authorized.

Please take notice that I will commence to take the depositions of the witnesses, whose names and residences follow herein, on the 11th day of February, 1903, at the hour of 9 o'clock a. m., before Eugene W. Levy, a notary public in and for the city and county of San Francisco, State of California, at room 23, fifth floor, Mills Building, northeast corner of Bush and Montgomery streets, San Francisco, Cal., to be read as evidence in my behalf in the matter of the contest of your election as Representative in the Fifty-eighth Congress of the United States for the Fourth Congressional district of the State of California, of which contest I have given you notice.

If, for any cause, the taking of said depositions be not commenced or, if commenced, be not concluded on the day above named, the taking of the same will be continued from day to day or from time to time at the same place or such other place as may be agreed upon, and between the hours of 9 o'clock a. m. and 11.30 p. m., until such depositions are completed.

The names and addresses of the witnesses are: Lester Herrick, 405 Montgomery street, San Francisco; Douglas Young, Mills Building, San Francisco; Thomas J.



Walsh, city hall, San Francisco. The last-named witness will be duly served with a subpoena duces tecum to produce the ballots cast at the election held November 4, 1902, in the Fourth Congressional district of California.

JULIUS KAHN, *Contestant*.

By HENRY C. DIBBLE & DIBBLE,

*Counsel for Contestant.*

(Indorsed:) Service of within admitted this 5th day of February, 1903. Jas. F. Tevlin, attorney for contestee. Edw. J. Livernash, contestee.

Thereupon attorneys for contestant offer in evidence a duplicate original of a subpoena duces tecum issued in this matter by the notary public, which subpoena is marked "Contestant's Exhibit D," and is in the words and figures following, to wit:

Before Eugene W. Levy, a notary public in and for the city and county of San Francisco, State of California, acting under authority conferred upon him by the provisions of section 110, Revised Statutes, United States.

In the matter of Julius Kahn, contesting the election of Edward J. Livernash to a seat in the Fifty-eighth Congress of the United States, contestant, v. Edward J. Livernash, contestee. Subpoena duces tecum.

The United States of America and the people of the State of California, Greeting:  
To THOMAS J. WALSH, *City Hall, San Francisco*:

You are commanded that all and singular business and excuses being laid aside to appear and attend before the undersigned, a notary public in and for the city and county of San Francisco, State of California, sitting in the above-entitled matter, in virtue of the authority conferred upon him by section 110 of the Revised Statutes of the United States, at room 23, fifth floor, Mills Building, northeast corner of Bush and Montgomery streets, San Francisco, Cal., on the 11th day of February, 1903, at 9 o'clock a. m., then and there to testify in the above-stated matter on the part of the contestant; and that you then and there bring with you and produce then and there all the ballots now in your custody which were cast at the general election held in the Fourth Congressional district of the State of California, on November 4, 1902.

For any failure to obey this subpoena you will be liable to the punishment prescribed by section 116 of the Revised Statutes of the United States.

Witness my signature and official seal as a notary public in and for the city and county of San Francisco, State of California, at San Francisco, this 5th day of February, 1903.

[SEAL.]

EUGENE W. LEVY,

*Notary Public in and for the City and County of San Francisco,*

*State of California.*

4. Q. State whether or not you served this subpoena; and if so, when and where.—A. I served this subpoena upon Mr. Thomas J. Walsh, registrar of voters of the city and county of San Francisco, by handing him a duplicate original thereof, on the 5th day of February, 1903, at his office in the city hall.

OLIVER DIBBLE.

## TESTIMONY FOR CONTESTANT.

THOMAS J. WALSH, being duly sworn by the notary, answers and deposes as follows:

By Mr. DIBBLE:

1. Q. What is your name, age, residence, and official occupation, if any?—A. Thomas J. Walsh; age, 46; residence, 333 Pierce street, San Francisco; occupation, registrar of voters for the city and county of San Francisco.

2. Q. Were you registrar of voters at the time of the last general election on the 4th day of November, 1902?—A. I was.

3. Q. Have you the custody of the ballots that were cast in the Fourth Congressional district at the last general election?—A. I have.

4. Q. State the condition of those ballots and how they are kept?—A. They are at present in the vault situate in the office of the registrar of voters under lock and seal.

5. Q. Has anyone other than yourself had access to those ballots since they came into your custody?—A. No, sir.

6. Q. Who has the combination of the safe?—A. I have, and my chief deputy.

7. Q. Have these ballots, or any of these ballots, been produced in court since the election?—A. They have.

8. Q. In what cases, if any?—A. In the case of *Bayer v. Langdon*, in department 4 of the superior court.

9. Q. During that contest, were the ballots retained in your possession the whole time?—A. Yes, sir.

10. Q. And have not been out of your possession?—A. No, sir.

11. Q. What was done when the ballots were taken into court?—A. They were opened in the presence of the judge, and, after being passed upon by the judge and the attorneys, they were then resealed and replaced in the vault, and the vault has been sealed since then, and has not been opened.

12. Q. Were they resealed in the presence of the court?—A. They were, and signed in the presence of the court; that is, the flap of the envelope was signed by the clerk of the court.

13. Q. Have the ballots been taken out on any other occasion?—A. No, sir.

14. Q. Have you the official returns of the election for Congressman in the Fourth Congressional district?—A. I have.

15. Q. Can you produce later on in this examination a tabulated statement of the returns of the election for Congressman in the Fourth district?—A. I can.

16. Q. Will you kindly do so?—A. Yes, sir.

17. Q. You were served with a subpoena duces tecum in this case?—A. I was.

18. Q. And are you prepared to open these ballots for a recount in this matter?—A. Yes, sir.

Mr. DIBBLE. That is all at present.

Mr. TEVLIN. No questions.

THOMAS J. WALSH.

It is stipulated that the further taking of this deposition and the examination of the ballots to be produced by the registrar of voters be postponed until 2 o'clock p. m., and be proceeded with at the office of the registrar of voters in the city hall of the city and county of San Francisco.

## AFTERNOON SESSION.

Pursuant to the adjournment by stipulation of the morning session, the examination was resumed at the office of the registrar of voters in room 9 of the city hall of the city and county of San Francisco, at the hour of 2 o'clock p. m.

J. H. ZEMANSKY, being duly sworn by the notary, answers and deposes as follows:

By Mr. H. C. DIBBLE:

1. Q. Mr. Zemansky, what is your name, age, residence, and present official position, if any?—A. My name is J. H. Zemansky; my age is 43; I reside at 708 Ashbury street; I am a deputy registrar of voters at present.



2. Q. Were you a deputy registrar of voters on the day of the last general election?—A. I was, sir.

3. Q. As deputy registrar of voters, state, if you can, where the ballots cast for Congressman in the Fourth Congressional district have been kept since the election day?—A. They have been kept in the registrar's vault in room No. 4, basement city hall, San Francisco.

4. Q. About what time did the ballots come into the possession of the registrar of voters?—A. They began coming in about 10.30 p. m. of November 4, and the final package was delivered about 9 o'clock a. m. November 5.

5. Q. And have they been in the custody of the registrar of voters from the time of their receipt until the present time?—A. They have.

6. Q. They were produced before the election commissioners on the occasion of the canvass of the election, were they?—A. They were.

7. Q. Were the ballots then opened before the canvass?—A. No, sir; just the tally sheets.

8. Q. The ballots were not produced before the commissioners?—A. No, sir; they were not.

9. Q. Were the packages of ballots cast for Congressman in the Fourth Congressional district sealed from the time of their receipt until now?—A. They were produced in open court, in the superior court, in the contest of Bayer against Langdon, and resealed and placed in the vault under the custody of the registrar of voters.

10. Q. How many precincts were opened from the Fourth Congressional district?—A. I could not tell you offhand—in the neighborhood of 50-odd precincts.

11. Q. That is the only contest that has been commenced, as far as you know?—A. That is all.

12. Q. And except the packages that were opened during that contest all of the packages from the Fourth Congressional district have remained sealed?—A. They have, sir.

13. Q. Who has the combination to the safe in which the packages are kept?—A. The registrar of voters and myself.

14. Q. Has anyone else had access to the packages?—A. They have not.

15. Q. Have any of the packages been opened, except in the superior court in the recount in the case of Bayer v. Langdon?—A. They have not.

16. Q. And the ballots are therefore in the condition in which they were received by the registrar of voters?—A. Yes, sir.

Mr. DIBBLE. Any questions, Mr. Tevlin?

Mr. TEVLIN. No questions.

By Mr. DIBBLE:

17. Q. Mr. Zemansky, I ask you now to produce, as deputy registrar of voters, the first three precincts of the Twenty-eighth assembly district.—A. They are here.

18. Q. Are they sealed?—A. Yes, sir; they are.

19. Q. And the seals have not been broken since the recount in the Bayer v. Langdon case?—A. They have not.

J. H. ZEMANSKY.

Thereupon the first precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Thereupon the notary public administered an oath to Charles E. Arnold, selected by the registrar of voters to assist in handling the ballots, as follows: "I, Charles E. Arnold, do solemnly swear that I will correctly perform the duties imposed upon me as an assistant appointed by the registrar of voters in handling the ballots during the present contest, so help me God."

Mr. OLIVER DIBBLE. I now offer 96 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 67 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

Mr. TEVLIN. It was stipulated that contestee has the right reserved to object, on his main case to any and all ballots offered by contestant, as ballots voted for Julius Kahn.

Mr. DIBBLE. I now offer 2 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 11 ballots upon which no vote is recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots upon which the names Costley and Livernash have both been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot upon which the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, numbered 30, 117, 120, and 72, upon which the name Edward J. Livernash is voted in the "Democratic" column for Representative in Congress, Fourth Congressional district, and is also voted in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash is voted in the "Democratic" column, and is also voted in the "Union Labor" column, on any of the ballots specified in the last offer made by counsel for contestant.

Mr. DIBBLE. On ballot 72 there is a cross after the titles "Judges of the superior court" and "Justices of the peace," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the titles "Judges of the superior court" and "Justices of the peace," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 126, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "William T. Baggett" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "William T. Baggett" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 192, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a distinguishing cross in the column marked "Union Labor."

Mr. TEVLIN. Contestee denies that there is a distinguishing cross in the column marked "Union Labor."

Mr. DIBBLE. I now offer ballot No. 58, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, with an instrument other than that provided by law.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, with an instrument other than that provided by law.

Mr. DIBBLE. I now offer ballot No. 60, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, with a lead pencil.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, with a lead pencil.

Mr. DIBBLE. I now offer ballot No. 14, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Samuel J. Braunhart."

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Samuel J. Braunhart."

Mr. DIBBLE. I now offer ballot No. 147, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "John Heenan."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "John Heenan."

Mr. DIBBLE. I now offer ballot No. 133, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two ink blots in the column marked "Constitutional amendments."

Mr. TEVLIN. Contestee denies that there are two ink blots in the column marked "Constitutional amendments."

Mr. DIBBLE. I now offer ballot No. 155, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in lead pencil.

Mr. TEVLIN. That is admitted.

Mr. DIBBLE. I now offer ballot No. 159, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in lead pencil.

Mr. TEVLIN. That is admitted.

Mr. DIBBLE. I now offer ballot No. 137, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional dis-

trict, in the "Union Labor" column, and upon which there is an erasure after the names "Edward J. Livernash" and "William H. Langdon" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the names "Edward J. Livernash" and "William H. Langdon" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 97, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are lead-pencil writings in the column marked "Constitutional amendments," and further, upon which there are identifying crosses in the column marked "Constitutional amendments."

Mr. TEVLIN. Contestee denies that there are lead-pencil writings in the column marked "Constitutional amendments," and contestee further denies that there are identifying crosses in the column marked "Constitutional amendments."

Mr. DIBBLE. I now offer ballot No. 110, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are lead-pencil markings in the column designated "Socialist ticket."

Mr. TEVLIN. Contestee denies that there are lead-pencil markings in the column designated "Socialist ticket."

Mr. DIBBLE. I now offer ballot No. 6, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Union Labor" column, and upon which there is an erasure after the name Edward J. Livernash in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name Edward J. Livernash in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 79, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are lead-pencil markings in the column marked "Republican ticket."

Mr. TEVLIN. Contestee denies that there are lead-pencil markings in the column marked "Republican ticket."

Mr. DIBBLE. I now offer ballot No. 7, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an identifying cross in the lower right-hand corner of the ballot.

Mr. TEVLIN. Contestee denies that there is an identifying cross in the lower right-hand corner of the ballot.

Mr. DIBBLE. I now offer ballot No. 22, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are identifying crosses after the titles of office in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are identifying crosses after the titles of office in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 46, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are identifying crosses after the titles of office in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are identifying crosses after the titles of office in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 131, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an identifying cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an identifying cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 30, 117, 120, 72, 126, 192, 58, 60, 14, 147, 133, 155, 159, 137, 97, 110, 6, 79, 7, 22, 46, and 131, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the second precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 102 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 90 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.



I now offer 4 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots, numbered 196, 54, 22, 206, 205, 23, and 14, upon which no vote for Representative in Congress, Fourth Congressional district, has been recorded.

I now offer ballot No. 13, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, both in the "Democratic" column and in the "Union Labor" column; and make the further objection that after the title "Judges of the superior court," in the "Union Labor" column, there is an identifying cross.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, both in the "Democratic" column and in the "Union Labor" column; and contestee further deies that after the title "Judges of the superior court," in the "Union Labor" column, there is an identifying cross.

Mr. DIBBLE. I now offer ballot No. 73, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in both the "Democratic" column and "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in both the "Democratic" column and "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 49, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in both the "Democratic" column and "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in both the "Democratic" column and "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 198, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in both the "Democratic" column and "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in both the "Democratic" column and "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 178, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" is voted for in both the "Democratic" and "Union Labor" columns for the office of superintendent of public schools.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" is voted for in both the "Democratic" and "Union Labor" columns for the office of superintendent of public schools.

Mr. DIBBLE. I now offer ballot No. 21, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" is voted for in both the "Democratic" and "Union Labor" columns for the office of superintendent of public schools.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" is voted for in both the "Democratic" and "Union Labor" columns for the office of superintendent of public schools.

Mr. DIBBLE. I now offer ballot No. 29, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" is voted for in both the "Democratic" and "Union Labor" columns for the office of superintendent of public schools.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" is voted for in both the "Democratic" and "Union Labor" columns for the office of superintendent of public schools.

Mr. DIBBLE. I now offer ballot No. 60, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" is voted for in both the "Democratic" and "Union Labor" columns for the office of superintendent of public schools.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" is voted for in both the "Democratic" and "Union Labor" columns for the office of superintendent of public schools.

Mr. DIBBLE. I now offer ballot No. 134, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional dis-

trict, and upon which the name "William H. Langdon" is voted for in both the "Democratic" and "Union Labor" columns for the office of superintendent of public schools.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" is voted for in both the "Democratic" and "Union Labor" columns for the office of superintendent of public schools.

Mr. DIBBLE. I now offer ballot No. 172, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an identifying cross in the column marked "Constitutional amendments."

Mr. TEVLIN. Contestee denies that there is an identifying cross in the column marked "Constitutional amendments."

Mr. DIBBLE. I now offer ballot No. 96, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an identifying cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an identifying cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 15, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an identifying cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an identifying cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 105, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an identifying cross in the column marked "Constitutional amendments."

Mr. TEVLIN. Contestee denies that there is an identifying cross in the column marked "Constitutional amendments."

Mr. DIBBLE. I now offer ballot No. 34, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Thomas J. Kirk."

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Thomas J. Kirk."

Mr. DIBBLE. I now offer ballot No. 181, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Samuel H. Brooks."

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Samuel H. Brooks."

Mr. DIBBLE. I now offer ballot No. 18, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Murphy," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Murphy," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 37, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "No," in "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "No," in "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 116, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the voter has failed to record his vote in the manner prescribed by law.

Mr. TEVLIN. Contestee denies that the voter has failed to record his vote in the manner prescribed by law.

Mr. DIBBLE. I now offer ballot No. 95, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "No," in "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "No," in "Amendment No. 1."

Mr. DIBBLE. Contestant objects to ballots numbered 13, 73, 49, 198, 178, 21, 29, 60, 134, 172, 96, 15, 105, 34, 181, 18, 37, 116, and 95, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Therenpon the third precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 109 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and to which contestant makes no objection.

I now offer 57 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, numbered 99, 169, 98, and 115, upon which no vote has been recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 81, upon which the names Edward J. Livernash and Julius Kahn have both been voted for Representative in Congress, Fourth Congressional district.

I now offer ballots numbered 171, 180, and 4, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in both the "Democratic" column and the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in both the "Democratic" and the "Union Labor" columns.

Mr. DIBBLE. I now offer ballot No. 21, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted in both the "Democratic" and the "Union Labor" columns for the office of superintendent of public schools.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted in both the "Democratic" and the "Union Labor" columns for the office of superintendent of public schools.

Mr. DIBBLE. I now offer ballot No. 27, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner other than as prescribed by law.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner other than as prescribed by law.

Mr. DIBBLE. I now offer ballot No. 88, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in lead pencil.

Mr. TEVLIN. That is admitted.

Mr. DIBBLE. I now offer ballot No. 25, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the word "Yes," opposite "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "Yes," opposite "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 82, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square opposite the name "Frederick Harkness," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square opposite the name "Frederick Harkness," in the "Democratic" column.

Mr. DIBBLE. I now offer ballots numbered 156, 94, 43, 103, 14, and 112, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are identifying crosses in the wrong squares in the column marked "Constitutional amendments."

Mr. TEVLIN. Contestee denies that there are identifying crosses in the wrong square in the column marked "Constitutional amendments."

Mr. DIBBLE. Contestant objects to ballots numbered 81, 171, 180, 4, 21, 27, 88, 25, 82, 156, 94, 43, 103, 14, and 112, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that an adjournment be now taken until to-morrow, Thursday, February 12, 1903, at the hour of 9.30 o'clock a. m., at room 9, city hall, San Francisco.



THURSDAY, February 12, 1903.

Pursuant to the adjournment by stipulation, the examination was resumed this 12th day of February, 1903, at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 9.30 o'clock a. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

20. Q. You have now in your custody precincts 4, 5, 6, 7, and 8 of the Twenty-eighth assembly district?—A. Yes, sir.

21. Q. Will you examine the seals upon those envelopes and state whether or not the seals are intact?—A. They are intact.

J. H. ZEMANSKY.

Thereupon the fourth precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 78 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 46 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 132, 4, and 99, upon which no vote is recorded for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, No. 123, upon which the names Costley and Livernash have both been voted for Representative in Congress, Fourth Congressional district.

I now offer ballots numbered 117, 112, 108, and 33, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of the ballots mentioned by counsel.

Mr. DIBBLE. I now offer ballots numbered 64 and 138, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name William H. Langdon has been voted both in the "Democratic" column and in the "Union Labor" column for the office of superintendent of public schools.

Mr. TEVLIN. Contestee denies that the name of William H. Langdon has been voted in the "Democratic" column and in the "Union Labor" column for the office of superintendent of public schools.

Mr. DIBBLE. I now offer ballot No. 30, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are lead pencil erasures after the names Langdon and Lister, in the "Union Labor" column.

Mr. TEVLIN. That is admitted.

Mr. DIBBLE. I now offer ballot No. 3, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Burton," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Burton," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 37, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace," in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 123, 117, 112, 108, 33, 64, 138, 30, 3, and 37, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the fifth precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 95 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 51 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots, numbered 50, 90, 11, 115, 42, 106, 48, and 92, upon which no vote is recorded for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer ballots numbered 4, 157, 49, and 143, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of the ballots mentioned by counsel.

Mr. DIBBLE. On ballot No. 143 there is an erasure after the name "Woodman," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the word "Woodman," in the "Democratic" column.

Mr. DIBBLE. I now offer 3 ballots, numbered 147, 77, and 130, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted both in the "Democratic" column and in the "Union Labor" column for the office of superintendent of public schools.

Mr. TEVLIN. Contestee denies that the name of William H. Langdon has been voted in the "Democratic" column and in the "Union Labor" column for the office of superintendent of public schools.

Mr. DIBBLE. I now offer ballot No. 165, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the word "Yes," opposite "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "Yes," opposite "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 64, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Livernash," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Livernash," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 65, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 120, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after the word "Yes," opposite "Amendment No. 8," in the column marked "Constitutional amendments."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after the word "Yes," opposite "Amendment No. 8," in the column marked "Constitutional amendments."

Mr. DIBBLE. Contestant objects to ballots numbered 4, 157, 49, 143, 147, 77, 130, 165, 64, 65, and 120, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the sixth precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 94 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 59 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 10 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.



I now offer 7 ballots, numbered 169, 174, 157, 97, 5, 82, and 68, upon which no vote is recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 172, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots, numbered 171, 48, 36, 49, 92, 30, 175, and 100, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of the ballots mentioned by counsel.

Mr. DIBBLE. I now offer ballot No. 40, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "Yes," opposite "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "Yes," opposite "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 25, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "Yes," opposite "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "Yes," opposite "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 44, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an ink blot after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is an ink blot after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 4, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 120, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 37, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 23, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 20, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in lead pencil.

Mr. TEVLIN. That is admitted.

Mr. DIBBLE. I now offer ballot No. 87, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the voter has voted in the wrong square for the "Constitutional amendments."

Mr. TEVLIN. Contestee denies that the voter has voted in the wrong square for the "Constitutional amendments."

Mr. DIBBLE. I now offer ballot No. 3, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Thomas F. Dunn."

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Thomas F. Dunn."

Mr. DIBBLE. I now offer ballot No. 141, upon which the name Edward J. Liv-

ernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lawson."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lawson."

Mr. DIBBLE. I now offer ballot No. 65, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square opposite the name "Livernash."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square opposite the name "Livernash."

Mr. DIBBLE. Contestant objects to ballots numbered 172, 171, 48, 36, 49, 30, 92, 175, 100, 40, 25, 44, 4, 120, 37, 23, 20, 87, 3, 141, and 65, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the seventh precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 123 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 36 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 14 ballots, numbered 116, 33, 10, 175, 182, 160, 102, 93, 92, 138, 91, 8, 37, and 19, upon which no vote is recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 21, upon which the names Kahn and Costley have both been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, numbered 180, 14, 130, 63, 74, and 44, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of the ballots mentioned by counsel.

Mr. DIBBLE. On ballot No. 14 the voter has voted for Franklin K. Lane in a manner not authorized by law.

Mr. TEVLIN. Contestee denies that the voter has voted for Franklin K. Lane in a manner not authorized by law.

Mr. DIBBLE. I now offer ballot No. 32, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for the office of superintendent of public schools in both the "Democratic" column and the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for the office of superintendent of public schools in both the "Democratic" column and the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 17, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two erasures in the voting square opposite the word "Yes," opposite "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "Yes," opposite "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 28, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Sullivan," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Sullivan" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 183, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 165, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the Peace," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 143, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Langdon," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Langdon," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 181, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 125, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 89, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 61, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a blot in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 180, 14, 130, 63, 74, 44, 32, 17, 28, 183, 165, 181, 143, 125, 89, and 61, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the eighth precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 98 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 66 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot upon which the name E. W. Carpenter has been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, numbered 136, 88, 180, 18, 190, and 145, upon which no vote is recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 91, upon which the names Kahn and Livernash are both voted for Representative in Congress, Fourth Congressional district.

I now offer 10 ballots, numbered 74, 37, 38, 48, 150, 167, 99, 194, 113, and 61, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column, on any of the ballots mentioned by counsel.

Mr. DIBBLE. On ballot No. 194 there are numerous crosses in the voting square after the name "Livernash," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are numerous crosses in the voting square after the name "Livernash," in the "Democratic" column.



Mr. DIBBLE. I now offer ballot No. 113, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are lead-pencil marks and crosses in front of the names "Farnsworth" and "Trask," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are lead-pencil marks and crosses in front of the names "Farnsworth" and "Trask," in the "Democratic" column.

Mr. DIBBLE. On ballot 61 there is a lead-pencil erasure after the name "Braunhart," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a lead-pencil erasure after the name "Braunhart," in the "Democratic" column.

Mr. DIBBLE. I now offer ballots numbered 41 and 33, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for the office of superintendent of public schools in both the "Democratic" column and the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for the office of superintendent of public schools in both the "Democratic" column and the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 49, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the voter has voted in the wrong square after the word "Yes," opposite "Amendment No. 3."

Mr. TEVLIN. Contestee denies that the voter has voted in the wrong square after the word "Yes," opposite "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 121, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the voter has voted in the wrong square after the "Constitutional amendments."

Mr. TEVLIN. Contestee denies that the voter has voted in the wrong square after the "Constitutional amendments."

Mr. DIBBLE. I now offer ballot 112, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Braunhart" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Braunhart" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 118, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are lead pencil crosses after the "Constitutional amendments."

Mr. TEVLIN. Contestee denies that there are lead pencil crosses after the "Constitutional amendments."

Mr. DIBBLE. I now offer ballot No. 83, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 147, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Liess," in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Liess," in the "Socialist" column.

Mr. DIBBLE. Contestant objects to ballots numbered 91, 74, 37, 33, 48, 150, 167, 99, 194, 113, 61, 41, 33, 49, 121, 112, 118, 83, and 147, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that a recess be now taken until this afternoon at 2 o'clock.

#### AFTERNOON SESSION.

Pursuant to the adjournment by stipulation of the morning session, the examination was resumed at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 2 o'clock p. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

22. Q. Mr. Zemansky, you have before you the envelopes containing the ballots in the ninth, tenth, eleventh, twelfth, and thirteenth precincts of the Twenty-eighth assembly district?—A. Yes, sir.

23. Q. You have examined the seals?—A. Yes, sir.

24. Q. And they are intact?—A. Yes, sir.

J. H. ZEMANSKY.

Thereupon the ninth precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 97 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 51 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots, numbered 137, 154, 131, 168, 19, 81, 98, and 103, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 75, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots, numbered 132, 116, 24, 4, 83, 109, 125, and 105, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column, on any of the ballots mentioned by counsel.

Mr. DIBBLE. I now offer ballot No. 145, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools, in both the "Democratic" column and the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in both the "Democratic" column and the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 142, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross upon the name "Franklin K. Lane," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross upon the name "Franklin K. Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 149, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "Yes," opposite "Amendment No. 5."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "Yes," opposite "Amendment No. 5."

Mr. DIBBLE. I now offer ballot No. 101, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Estelita," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Estelita," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 148, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Rosborough," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 114, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional dis-

trict, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane."

Mr. DIBBLE. I now offer ballot No. 91, upon which the names Edward J. Livernash and Julius Kahn have both been voted for Representative in Congress, Fourth Congressional district.

Contestant objects to ballots numbered 75, 132, 116, 24, 4, 83, 109, 125, 105, 145, 142, 149, 101, 148, 114, and 91, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the tenth precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 64 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 41 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 12 ballots, numbered 34, 130, 58, 99, 97, 116, 115, 28, 14, 56, 51, and 33, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 94, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 30, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, numbered 76, 7, 126, and 127, upon which the names Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column or any of the ballots mentioned by counsel.

Mr. DIBBLE. I now offer ballot No. 70, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, upon which there is a cross after the title "Justices of the peace" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 139, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 13, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after the word "Yes," opposite "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after the word "Yes," opposite "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 49, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting squares after the names "E. W. Lindsay" and "Livingston Jenks," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting squares after the names "E. W. Lindsey" and "Livingston Jenks," in the "Democratic" column, or either of said names.

Mr. DIBBLE. I now offer ballot No. 48, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are at least two crosses in the voting square after the name "Franklin K. Lane," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are at least two crosses in the voting square after the name "Franklin K. Lane," in the "Democratic" column.



Mr. DIBBLE. I now offer ballot No. 32, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 111, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in front of the name "Richards" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross in front of the name "Richards" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 104, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the middle of the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross in the middle of the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 123, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Edward J. Livernash" in the "Union Labor" column and a cross after the name "Finn" written in the "blank" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Edward J. Livernash" in the "Union Labor" column and a cross after the name "Finn" written in the "blank" column.

Mr. DIBBLE. I now offer ballot No. 108, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are erasures after the names "Kahn," "Webster," and "Hunt" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are erasures after the names "Kahn," "Webster," and "Hunt" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 16, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "No," opposite "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "No." opposite "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 77, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Rosborough" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Rosborough" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 105, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there appear two crosses after the name "Livernash" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there appear two crosses after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 94, 30, 76, 7, 126, 127, 70, 139, 13, 49, 48, 32, 111, 104, 123, 108, 16, 77, and 105, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the eleventh precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 97 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 64 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 9 ballots, numbered 78, 36, 149, 95, 159, 97, 173, 105, and 77, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, numbered 128, 94, 96, 153, and 27, upon which the name

Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column, on any of the ballots mentioned by counsel.

Mr. DIBBLE. I now offer 2 ballots, numbered 93 and 150, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name William H. Langdon has been voted for superintendent of public schools in both the "Democratic" column and the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name William H. Langdon has been voted for superintendent of public schools in both the "Democratic" column and the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 180, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Livingston Jenks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Livingston Jenks" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 116, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the voter has voted in the wrong square after "Amendments 1 and 8."

Mr. TEVLIN. Contestee denies that the voter has voted in the wrong square after "Amendments 1 and 8."

Mr. DIBBLE. I now offer ballot No. 98, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the voter has voted in the wrong square after the word "No." opposite "Amendment No. 6."

Mr. TEVLIN. Contestee denies that the voter has voted in the wrong square after the word "No." opposite "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 139, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 178, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 183, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Cook" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Cook" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 26, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Franklin K. Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Franklin K. Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 29, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Fritz" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Fritz" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 128, 94, 96, 153, 27, 93, 150, 180, 116, 98, 139, 178, 183, 26, and 29, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.



Thereupon the twelfth precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 60 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 47 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, numbered 69, 34, 20, 55, 93, and 68, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 17, 103, and 50, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column, on any of the ballots mentioned by counsel.

Mr. DIBBLE. I now offer 2 ballots, numbered 65 and 28, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in both the "Democratic" column and the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in both the "Democratic" column and "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 21, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot over the name "Woods" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is a blot over the name "Woods" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 58, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 7."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 7."

Mr. DIBBLE. I now offer ballot No. 23, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the name "Carroll," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Carroll," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 37, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Pardee."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Pardee."

Mr. DIBBLE. I now offer ballot No. 47, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in front of the name "Frank H. Dunne," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross in front of the name "Frank H. Dunne," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 51, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 52, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the word "Yes," opposite "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there are two crosses after the word "Yes," opposite "Amendment No. 8."

Mr. DIBBLE. I now offer 2 ballots, numbered 46 and 38, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are crosses after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 36, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Franklin K. Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Franklin K. Lane," in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 17, 103, 50, 65, 28, 21, 58, 23, 37, 47, 51, 52, 46, 38, and 36, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions of the State of California. The illegalities are described in the various offers.

Thereupon the thirteenth precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 72 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection. (Included in this offer is ballot No. 128, upon which is a vertical tear extending nearly the length of the ballot.)

I now offer 41 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 10 ballots, numbered 67, 40, 102, 58, 49, 115, 72, 48, 66, and 138, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 83 and 7, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 45, 44, and 140, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of the ballots mentioned by counsel.

Mr. DIBBLE. I now offer ballot No. 50, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in both the "Democratic" column and the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in both the "Democratic" column and "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 55, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Rosborough" in the "Democratic" column, and also two crosses after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Rosborough" in the "Democratic" column, and also denies that there are two crosses after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 98, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the voter has voted in the wrong square after "Amendment No. 6."

Mr. TEVLIN. Contestee denies that the voter has voted in the wrong square after "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 51, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 129, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. DIBBLE. I now offer ballot No. 127, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are lead-pencil markings in the column marked "Constitutional amendments."

Mr. TEVLIN. Contestee denies that there are lead-pencil markings in the column marked "Constitutional amendments."

Mr. DIBBLE. I now offer ballot No. 109, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot over the name "Adam Andrew" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is a blot over the name "Adam Andrew" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 22, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in lead pencil.

Mr. TEVLIN. I will admit that.

Mr. DIBBLE. Contestant objects to ballots numbered 45, 44, 140, 50, 55, 98, 51, 129, 127, 109, and 22, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that an adjournment be now taken until to-morrow, Friday, February 13, 1903, at the hour of 9.30 o'clock a. m., at room 9, city hall, San Francisco.

FRIDAY, February 13, 1903.

Pursuant to the adjournment by stipulation, the examination was resumed this 13th day of February, 1903, at the office of the registrar of voters, in room 9 of the city hall, of the city and county of San Francisco, at the hour of 9.30 o'clock a. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

25. Q. You have before you precincts 14, 15, 17, and 18 of the Twenty-eighth assembly district, and precinct 1 of the Twenty-ninth assembly district?—A. Yes, sir.

26. Q. Have you examined the seals on those envelopes?—A. I have.

27. Q. Are they intact?—A. They are intact.

J. H. ZEMANSKY.

Thereupon the fourteenth precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 118 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 60 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 9 ballots, numbered 158, 86, 203, 205, 56, 29, 33, 69, and 159, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 30 and 96, upon which the names Costley and Livernash have both been voted for Representative in Congress, Fourth Congressional district.

I now offer 10 ballots, numbered 128, 19, 13, 46, 118, 201, 124, 82, 154, and 166, upon which the name Edward J. Livernash has been voted for Representative in



Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No 218, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 193, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Franklin K. Lane" has been written in pencil in the "Union Labor" column, and stamped with a cross, and upon which the name "Franklin K. Lane" appears printed in the "Democratic" column.

Mr. TEVLIN. That is admitted.

Mr. DIBBLE. I now offer ballot No. 39, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 9."

Mr. DIBBLE. I now offer 2 ballots, numbered 188 and 170, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses after the title "Judges of the superior court" and after the title "Justices of the peace," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are crosses after the title "Judges of the superior court" and after the title "Justices of the peace," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 173, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 122, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 1, 2, 3, 4, 5, 6, 7, 8, and 9."

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1, 2, 3, 4, 5, 6, 7, 8, and 9."

Mr. DIBBLE. I now offer ballot No. 86, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Union Labor" column, and after which there is an erasure after the name "Edward J. Livernash" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Edward J. Livernash" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 15, upon which the name Edward J. Livernash had been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 58, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "Yes," opposite "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "Yes," opposite "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 52, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 81, upon which the name Edward J. Livernash

nash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "No," opposite "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "No," opposite "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 62, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong square after "Amendments 4, 5, and 8."

Mr. TEVLIN. Contestee denies that there are crosses in the wrong square after "Amendments 4, 5, and 8."

Mr. DIBBLE. I now offer ballot No. 86, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. DIBBLE. I now offer ballot No. 185, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the word "No," opposite "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there are two crosses after the word "No," opposite "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 91, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "White" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "White" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 30, 96, 128, 19, 13, 46, 118, 201, 124, 82, 154, 166, 218, 193, 39, 188, 170, 173, 122, 36, 15, 58, 52, 81, 62, 86, 185, and 91, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the fifteenth precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 54 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and to which contestant makes no objection.

I now offer 50 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, numbered 44, 35, 11, and 90, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 60, upon which the names Costley and Livernash have both been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 96, 70, and 111, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 50, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name William H. Langdon has been voted for the office of superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name William H. Langdon has been voted for the office of superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 83, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 7."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 7."

Mr. DIBBLE. I now offer ballot No. 99, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 114, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 47, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 87, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the upper left-hand corner of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the upper left-hand corner of the ballot.

Mr. DIBBLE. I now offer ballot No. 104, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 71 and 19, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court, in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 42, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 49, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 54, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the names "Dunne" and "Fritz" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the names "Dunne" and "Fritz" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 60, 96, 70, 111, 50, 83, 99, 114, 47, 87, 104, 71, 19, 42, 49, and 54, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the seventeenth precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a re-count of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 81 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and to which contestant makes no objection.

I now offer 53 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 13 ballots, numbered 82, 119, 99, 113, 109, 110, 2, 159, 35, 59, 28, 98,



and 52, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, numbered 78, 102, 122, 148, and 150, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 156 and 126, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name William H. Langdon has been voted for the office of superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name William H. Langdon has been voted for the office of superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 62, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Cook," in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Cook," in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 17, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Lister," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Lister," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 93, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 162, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross on the line between the voting squares assigned to "William T. Baggett" and "Livingston Jenks," and a cross in the voting squares after the names "William T. Baggett" and "Livingston Jenks."

Mr. TEVLIN. Contestee denies that there is a cross on the line between the voting squares assigned to "William T. Baggett" and "Livingston Jenks," and a cross in the voting squares after the names of "William T. Baggett" and "Livingston Jenks."

Mr. DIBBLE. I now offer ballot No. 131, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. DIBBLE. I now offer ballot No. 105, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross between the voting squares assigned to Walter Gallagher and John Heenan, and crosses in the voting squares after the names Gallagher and Heenan in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross on the line between the voting squares assigned to Walter Gallagher and John Heenan, and crosses in the voting squares after the names Gallagher and Heenan, in the "Union Labor" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 64 and 85, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, upon which there is a cross after the title "Associate justices of the supreme court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Associate justices of the supreme court."

Mr. DIBBLE. Contestant objects to ballots numbered 78, 102, 148, 150, 156, 122, 126, 62, 17, 93, 162, 131, 105, 64, and 85, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions of the State of California. The illegalities are described in the various offers.

Thereupon the eighteenth precinct of the Twenty-eighth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 76 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and to which contestant makes no objection.

I now offer 54 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 17 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 94 and 74, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots numbered 82 and 59, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 50, there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 8, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Dunne," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Dunne," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 143, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Braunhart," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Braunhart," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 58, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross on the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 97, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there are two crosses in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 117, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 75, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lister," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lister," in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 82, 50, 8, 143, 58, 97, 117, and 75, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that a recess be now taken until this afternoon at 2 o'clock.

#### AFTERNOON SESSION.

Pursuant to the adjournment by stipulation of the morning session, the examination was resumed at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 2 o'clock p. m.



J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

28. Q. Will you produce the packages containing the ballots of the first, second, third, and fourth precincts of the Twenty-ninth assembly district?—A. Yes, sir; I have them here.

29. Q. Will you examine them and tell me if the seals are intact?—A. They are intact.

J. H. ZEMANSKY.

Thereupon the first precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 67 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 36 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 108, upon which the names Costley and Livernash have both been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 58 and 117, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 64 and 86, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name William H. Langdon has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name William H. Langdon has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 48, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 126, upon which the name Edward J. Livernash has been voted for representative in Congress, Fourth Congressional district, and upon which there is an erasure after the names "Alford" and "Braunhart," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the names "Alford" and "Braunhart," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 78, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Dunne," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Dunne," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 60, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which, in the column marked "Independent nominations," is written, "Railroad commissioner, Second district, James McCarthy."

Contestant objects to ballots numbered 108, 58, 117, 64, 86, 48, 126, 78, and 60, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the second precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 66 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 79 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 14, upon which the names Costley and Livernash have both been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, numbered 7, 68, 160, 149, and 62, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic column" and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" and also in the "Union Labor" column.

Mr. DIBBLE. I now offer three ballots, numbered 132, 88, and 90, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 163, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 82, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "John K. Law."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "John K. Law."

Mr. DIBBLE. I now offer ballot No. 159, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in lead pencil.

Mr. TEVLIN. That is admitted.

Mr. DIBBLE. I now offer ballot No. 118, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 44, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 35, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the lower left-hand corner of the ballot.

Mr. TEVLIN. Contestee denies that there are two crosses in the lower left-hand corner of the ballot.

Mr. DIBBLE. I now offer ballot No. 96, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lister" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lister" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 14, 7, 68, 160, 149, 62, 132, 88, 90, 163, 82, 159, 118, 44, 35, and 96, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the Third precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 99 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 88 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 170, upon which the names Costley and Livernash have both been voted for Representative in Congress, Fourth Congressional district.

I now offer 9 ballots, numbered 212, 106, 3, 25, 122, 147, 112, 17, and 42, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot 147 the voter has voted in the wrong square after "Amendment No. 6."

Mr. TEVLIN. Contestee denies that the voter has voted in the wrong square after "Amendment No. 6."

Mr. DIBBLE. I now offer 3 ballots, numbered 30, 49, and 101, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 52, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the word "No." opposite "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there are two crosses after the word "No," opposite "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 107, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Van Nostrand." in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Van Nostrand" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 102, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 96, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the left-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there are two crosses in the left-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 104, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "No," opposite "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "No," opposite "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 91, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional dis-



trict, and upon which there are two crosses in the voting square after the name "Lane," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 88, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the word "No" opposite "Amendment No. 7."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "No" opposite "Amendment No. 7."

Mr. DIBBLE. I now offer ballot No. 65, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross on the line separating the voting squares between the names "McClellan" and "Hebbard" in the "Republican" column, and in the voting squares there also appear crosses.

Mr. TEVLIN. Contestee denies that there is a cross on the line separating the voting squares between the names "McClellan" and "Hebbard" in the "Republican" column, and denies that in the voting squares there also appear crosses.

Mr. DIBBLE. I now offer ballot No. 10, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 176, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 202, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 222, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the word "No" opposite "Amendment No. 4."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "No" opposite "Amendment No. 4."

Mr. DIBBLE. I now offer ballot No. 67, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which, in the column marked "Union Labor ticket," is written the name "Franklin K. Lane," followed by a cross, and on the reverse of which is indorsed "Rejected on account of being an identified ballot."

Contestant objects to ballots numbered 170, 212, 106, 3, 25, 122, 147, 112, 17, 42, 30, 49, 101, 52, 107, 102, 96, 104, 91, 88, 65, 10, 176, 202, 222, and 67, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the fourth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 107 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 76 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 20, 117, and 211, upon which the names Kahn and Livernash have both been voted for Representative in Congress, Fourth Congressional district.



I now offer ballot No. 213, upon which the names Costley and Livernash have both been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 188, 22, and 17, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 200, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Thomas F. Finn" has been voted for member of the assembly, Twenty-ninth assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Thomas F. Finn" has been voted for member of the assembly, Twenty-ninth assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 164, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 5."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 5."

Mr. DIBBLE. I now offer ballot No. 31, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Costley" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Costley" in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 179, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the lower margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the lower margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 124, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are several crosses in the voting square after the name "Costley."

Mr. TEVLIN. Contestee denies that there are several crosses in the voting square after the name "Costley."

Mr. DIBBLE. I now offer ballot No. 128, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 77, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. Contestant objects to ballots numbered 213, 188, 22, 17, 200, 164, 31, 179, 124, 128, and 77, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that an adjournment be now taken until to-morrow, Saturday, February 14, 1903, at the hour of 9.30 o'clock a. m., at room 9, city hall, San Francisco.

SATURDAY, February 14, 1903.

Pursuant to the adjournment, by stipulation, the examination was resumed, this 14th day of February, 1903, at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 9.30 o'clock a. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

30. Q. Will you produce the ballots of the fifth, sixth, seventh, and eighth precincts of the Twenty-ninth assembly district?—A. Yes, sir; they are here.

31. Q. Will you examine the packages and state to me if the seals are intact upon them?—A. They are.

32. Q. Upon all of them?—A. Upon all of them.

J. H. ZEMANSKY.

Thereupon the fifth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 97 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 47 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 11 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 154, upon which both the names Joseph Rowell and Edward J. Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 88, 47, and 113, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. On ballot No. 113 there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 14, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 132, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Gage" is written in the "Independent nominations" column.

Mr. TEVLIN. Contestee denies that the name "Gage" is written in the "Independent nominations" column.

Mr. DIBBLE. I now offer ballot No. 25, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in lead pencil, and upon which there is the further indorsement on the back of the ballot "Marked with pencil," under which the names of the election officers are written.

I now offer ballot No. 7, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are three crosses in the voting square after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there are three crosses in the voting square after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 29, upon which the name of Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Lane" is written in the "Blank" column followed by a cross, and upon which the voter has voted in the wrong squares after the "Constitutional amendments."

Mr. TEVLIN. Contestee denies that the name "Lane" is written in the "Blank" column, followed by a cross, and denies that the voter has voted in the wrong squares after the "Constitutional amendments."

Mr. DIBBLE. I now offer ballot No. 27, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Jenks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Jenks" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 11, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the lower margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the lower margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 26, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the word "No." opposite "Amendment No. 5."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "No." opposite "Amendment No. 5."

Mr. DIBBLE. I now offer ballot No. 60, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 41, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 154, 88, 47, 113, 14, 132, 25, 7, 29, 27, 11, 26, 60, and 41, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the sixth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 81 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 55 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 94, 139, and 59, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name of Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 94 there is an erasure after the name "Daniels" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Daniels" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 72, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 147, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the word "No." opposite "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "No." opposite "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 120, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district and upon which there is a cross at the head of the column marked "Democratic Ticket."

Mr. TEVLIN. Contestee denies that there is a cross at the head of the column marked "Democratic Ticket."

Mr. DIBBLE. I now offer ballot No. 86, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the voter has voted for the constitutional amendments in lead pencil.



Mr. TEVLIN. Contestee denies that the voter has voted for the constitutional amendments in lead pencil.

Mr. DIBBLE. I now offer ballot No. 15, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "No," opposite "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "No," opposite "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 8, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 1."

Mr. DIBBLE. Contestant objects to ballots numbered 94, 139, 59, 72, 147, 120, 86, 15, and 8, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon, the seventh precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 106 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 51 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 107, mutilated.

I now offer a ballot bearing original printed number 104122, indorsed upon the back "Spoiled ballot," and signed by the election officers.

I now offer ballot No. 11, upon which all the candidates are voted in lead pencil, and upon which is indorsed on the back "Not counted on account of marking with lead pencil," and signed by the election officers.

I now offer 3 ballots, numbered 171, 140, and 64, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, numbered 104, 37, 93, 11, 175, and 148, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 93 there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer 3 ballots, numbered 49, 85, and 126, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 7, upon which appears a cross within the column marked "Democratic ticket" and in front of the name "Edward J. Livernash," and upon which appears no cross in the square after the name "Edward J. Livernash."

Mr. TEVLIN. Contestee denies that there is a cross within the column marked "Democratic ticket" and in front of the name "Edward J. Livernash," and denies that no cross appears in the square after the name "Edward J. Livernash."

Mr. DIBBLE. I now offer ballot No. 89, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which appears two crosses in the voting square after "Amendment No. 8."



Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 185, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which appears two crosses in the voting square after the word "Yes," opposite "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "Yes," opposite "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 96, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which, in the column marked "Independent Nominations," are written in the names "Richard Wallace" and "Alice Burke," and after their names appear crosses.

I now offer ballot No. 62, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the names "McClellan" in the "Republican" column, and "Fritz" in the "Democratic" column, and "Livernash" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the names "McClellan" in the "Republican" column, and "Fritz" in the "Democratic" column, and "Livernash" in the "Democratic" column.

Mr. DIBBLE. I now offer two ballots, numbered 162 and 61, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon both of which there is a cross after the title "Justices of the peace," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Union Labor" column on either of said ballots.

Mr. DIBBLE. Contestant objects to ballots numbered, 171, 140, 64, 104, 37, 93, 11, 175, 148, 49, 85, 126, 7, 89, 185, 96, 62, 162, and 61, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that a recess be now taken until this afternoon at 2 o'clock.

#### AFTERNOON SESSION.

Pursuant to the adjournment by stipulation of the morning session, the examination was resumed at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 2 o'clock p. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

33. Q. Will you produce the packages containing the ballots of the eighth, ninth, tenth, and eleventh precincts of the Twenty-ninth assembly district?—A. Yes, sir; they are here.

34. Q. You have them before you?—A. Yes, sir.

35. Q. Will you examine the seals and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon the eighth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a re-count of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 71 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 57 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 25, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 60 and 125, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots, numbered 96, 26, 136, 122, 74, 126, and 85, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 18 and 66, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 127, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Thomas F. Finn" has been voted for member of the assembly, Twenty-ninth assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Thomas F. Finn" has been voted for member of the assembly, Twenty-ninth assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 162, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 128, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 30, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 57, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after "Amendments 1, 2, 6, and 7."

Mr. TEVLIN. Contestee denies that there are two crosses after "Amendments 1, 2, 6, and 7."

Mr. DIBBLE. I now offer ballot No. 154, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Union Labor" column, and upon which there is an erasure after the name "Edward J. Livernash" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Edward J. Livernash" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 137, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Livingston Jenks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Livingston Jenks" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 3, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 25, 60, 125, 96, 26, 136, 122, 74, 126, 85, 18, 66, 127, 162, 128, 30, 57, 154, 137, and 3, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the

laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the ninth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 114 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 62 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 158, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 64, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots, numbered 165, 110, 116, 98, 90, 52, and 103, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 102 there are two crosses after the name "Edward J. Livernash" in the "Democratic" column and two crosses in the voting square after "Amendment No. 7."

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Edward J. Livernash" in the "Democratic" column, and denies that there are two crosses in the voting square after "Amendment No. 7."

Mr. DIBBLE. I now offer ballot No. 178, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 111, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "A. B. Lawson" has been voted for "Justice of the peace" in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 111 there is an erasure after the name "Richards" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Richards" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 125, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Thomas F. Finn" has been voted for member of the assembly, Twenty-ninth assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Thomas F. Finn" has been voted for member of the assembly, Twenty-ninth assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 19, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 126, upon which the name Edward J. Livernash



nash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the words "Amendment No. 4."

Mr. TEVLIN. Contestee denies that there is a cross after the words "Amendment No. 4."

Mr. DIBBLE. I now offer ballot No. 190, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Dockweiler" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Dockweiler" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 2, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 161, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Beatty" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Beatty" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 142, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the names "Stevenson" and "Anderson" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the names "Stevenson" and "Anderson" in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 76, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "White" in the "Union Labor" column, and after "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there is an erasure after the name "White" in the "Union Labor" column, and denies that there is an erasure after "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 40, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the names "Carroll" and "Sullivan" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the names "Carroll" and "Sullivan" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 84, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Gallagher" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Gallagher" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 73, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a circular blot in the column marked "Independent nominations."

Mr. TEVLIN. Contestee denies that there is a circular blot in the column marked "Independent nominations."

Mr. DIBBLE. I now offer ballot No. 3, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Union Labor" column, and upon which there is an erasure after the name "Edward J. Livernash" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Edward J. Livernash" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 46, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 5."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 5."

Mr. DIBBLE. I now offer ballot No. 41, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column.



Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 158, 64, 165, 110, 116, 98, 90, 52, 102, 178, 111, 125, 19, 126, 190, 2, 161, 142, 76, 40, 84, 73, 3, 46, and 41, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the tenth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a re-count of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 116 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 51 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 11 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 204, upon which both the names Livernash and Costley have been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, numbered 106, 171, 14, and 36, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 63 and 40, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for the office of superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 40 there is a lead-pencil blot after the name "Heenan" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a lead-pencil blot after the name "Heenan" in the "Union Labor" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 182 and 17, upon which the name Edward L. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Thomas F. Finn" has been voted for member of the assembly, Twenty-ninth assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Thomas F. Finn" has been voted for member of the assembly, Twenty-ninth assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 17 there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 109, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 179, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross at the head of the column marked "Independent nominations."

Mr. TEVLIN. Contestee denies that there is a cross at the head of the column marked "Independent nominations."

Mr. DIBBLE. I now offer ballot No. 67, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district,

and upon which there are two crosses in the voting square after the word "Yes," opposite "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "Yes," opposite "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 199, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after Amendments 1 to 9, inclusive.

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after Amendments 1 to 9, inclusive.

Mr. DIBBLE. I now offer ballot No. 155, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting squares after the names "Braunhart" and "Harkness" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting squares after the names "Braunhart" and "Harkness" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 178, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Finn" in the "Union Labor" column, and also an erasure after the word "No." opposite "Amendment No. 2."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Finn" in the "Union Labor" column, and also denies that there is an erasure after the word "No." opposite "Amendment No. 2."

Mr. DIBBLE. I now offer ballot No. 180, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "White" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "White" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 177, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are three crosses in the voting square after the word "No." opposite "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there are three crosses in the voting square after the word "No." opposite "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 135, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Brooks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Brooks" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 204, 106, 171, 14, 36, 63, 40, 182, 17, 109, 179, 67, 199, 155, 178, 180, 177, and 135, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the eleventh precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 98 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 77 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 40, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 176, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 91, 127, and 17, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 3 ballots, numbered 164, 46, and 102, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 150, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 163, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Lister" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Lister" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 93, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Trask" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Trask" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 112, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 204, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses on the lower margin of the ballot.

Mr. TEVLIN. Contestee denies that there are two crosses on the lower margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 2, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after "Amendments 8 and 9."

Mr. TEVLIN. Contestee denies that there are two crosses after "Amendments 8 and 9."

Mr. DIBBLE. I now offer ballot No. 125, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 83, upon which the name of Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 96, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which, in the column designated "Union Labor ticket," the name "Franklin K. Lane" is written in lead pencil.

Mr. TEVLIN. Contestee denies that in the column designated "Union Labor ticket" the name Franklin K. Lane" is written in lead pencil.

Mr. DIBBLE. Contestant objects to ballots numbered 40, 176, 91, 127, 17, 164, 46, 102, 150, 163, 93, 112, 204, 2, 125, 83, and 96, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.



It is stipulated and agreed that an adjournment be now taken until Monday February 16, 1903, at the hour of 9.30 o'clock a. m., at room 9, city hall, San Francisco.

MONDAY, *February 16, 1903.*

Pursuant to the adjournment by stipulation, the examination was resumed this 16th day of February, 1903, at the office of the registrar of voters in room 9 of the city hall of the city and county of San Francisco, at the hour of 9.30 o'clock a. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows.

By Mr. OLIVER DIBBLE:

36. Q. Will you produce the packages containing the ballots of the twelfth, thirteenth, fourteenth, and fifteenth precincts of the Twenty-ninth assembly district?—A. Yes, sir; they are here.

37. Q. Will you examine the seals and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon the twelfth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 77 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 52 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, numbered 5, 150, 87, 135, 50, and 80, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 80 there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. DIBBLE. On ballot No. 50 there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer 3 ballots, numbered 97, 58, and 33, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 72, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the name "Jeremiah Collins" in the "Republican" column, not in the voting square.

Mr. TEVLIN. Contestee denies that there is a cross after the name "Jeremiah Collins" in the "Republican" column, not in the voting square.

Mr. DIBBLE. I now offer ballot No. 70, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the name "Brooks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Brooks" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 126, upon which the name Edward J. Liver-



nash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Costley" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Costley" in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 131, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are three crosses in the column marked "Union Labor ticket," and not within voting squares.

Mr. TEVLIN. Contestee denies that there are three crosses in the column marked "Union Labor ticket," and not within voting squares.

Mr. DIBBLE. I now offer ballot No. 120, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the name "Beatty" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Beatty" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 121, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there two crosses after the name "Lindsay" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Lindsay" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 28, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the name "Lindsay" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Lindsay" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 37, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 124, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Finn" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Finn," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 55, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the name "Lane," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 3, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 5, 150, 87, 135, 50, 80, 97, 58, 33, 72, 70, 126, 131, 120, 121, 28, 37, 124, 55, and 3, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the thirteenth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 117 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 51 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 171, upon which both the names Kahn and Costley have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 105, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots numbered 201, 164, 143, 38, 59, 186, and 188, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 164 there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. On ballot No. 201 there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 115 and 86, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 123, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the name "Shannon" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Shannon" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 126, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the name "Lindsay" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Lindsay" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 62, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 72, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the name "Holcomb" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Holcomb" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 37, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Andrew" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Andrew" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 144, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Alford" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Alford" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 158, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district,

and upon which there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 111, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 10, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 205, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 85, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Alford" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Alford" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 33, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 159, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 67, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the wrong square after "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there are two crosses in the wrong square after "Amendment No. 9."

Mr. DIBBLE. Contestant objects to ballots numbered 105, 201, 164, 143, 38, 59, 186, 188, 115, 86, 123, 126, 62, 72, 37, 144, 158, 111, 10, 205, 85, 33, 159, and 67, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the fourteenth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 125 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 51 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 30, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

Mr. TEVLIN. Contestee denies that both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.



Mr. DIBBLE. I now offer 8 ballots, numbered 165, 47, 154, 68, 137, 15, 150, and 21, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 111, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Langdon" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Langdon" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 113, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lawson" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Lawson" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 93, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Dockweiler" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Dockweiler" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 207, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Union Labor" column, and upon which there is an erasure after the name "Edward J. Livernash" in the "Democratic" column and also a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is an erasure after the name Edward J. Livernash in the "Democratic" column, and also denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 6, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Langdon" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Langdon" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 67, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 40, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 163, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Hebbard" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Hebbard" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 108, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Hebbard" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Hebbard" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 200, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a blot in the right-hand margin of the ballot.



Mr. DIBBLE. I now offer 3 ballots, numbered 44, 29, and 57, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon each of which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that on any of said ballots there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 90, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 97, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 142, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 52, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 8 and 9."

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 8 and 9."

Mr. DIBBLE. I now offer ballot No. 124, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 109, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 1 and 2."

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1 and 2."

Mr. DIBBLE. I now offer ballot No. 98, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 30, 165, 47, 154, 68, 137, 15, 150, 21, 111, 113, 93, 207, 6, 67, 40, 163, 108, 200, 44, 29, 57, 90, 97, 142, 52, 124, 109, and 98, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the fifteenth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 126 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 45 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots upon which no vote has been recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 142, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 20 and 18, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional

district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 18 there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 154, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Harkness" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Harkness" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 165, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the name "Gallagher" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Gallagher" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 70, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Holcomb" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Holcomb" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 7, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 103, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lawson" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lawson" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 113, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Harkness" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Harkness" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 39, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 101, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 5, 6, 8, and 9."

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 5, 6, 8, and 9."

Mr. DIBBLE. I now offer ballot No. 99, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the name "Finn" in the "Union Labor" column, and not within the voting square.

Mr. TEVLIN. Contestee denies that there is a cross after the name "Finn" in the "Union Labor" column, and not within the voting square.

Mr. DIBBLE. I now offer ballot No. 25, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Dunne" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Dunne" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 35, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Edward J. Livernash" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Edward J. Livernash" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 117, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross on the name "Trask," and not in the voting square, in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross on the name "Trask," and not in the voting square, in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 142, 20, 18, 154, 165, 70, 7, 103, 113, 39, 101, 99, 25, 35, and 117, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that a recess be now taken until this afternoon at 2 o'clock.

#### AFTERNOON SESSION.

Pursuant to the adjournment by stipulation of the morning session, the examination was resumed at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 2 o'clock p. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

38. Q. Will you produce the packages containing the ballots of the sixteenth, seventeenth, eighteenth, nineteenth, and twentieth precincts of the Twenty-ninth assembly district?—A. Yes, sir; they are here.

39. Q. Will you examine the seals and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon the sixteenth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 105 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 52 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 190, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 94, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots, numbered 197, 184, 180, 39, 109, 16, 138, and 102, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 180 there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 184 there are eight crosses in the lower right-hand corner of the ballot.



Mr. TEVLIN. Contestee denies that there are eight crosses in the lower right-hand corner of the ballot.

Mr. DIBBLE. I now offer ballot No. 183, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for "Superintendent of public schools" in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 29, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 101, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "No" opposite "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "No" opposite "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 85, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot on "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a blot on "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 116, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "Yes," opposite "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "Yes," opposite "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 103, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Dockweiler" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Dockweiler" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 106, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Dockweiler" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Dockweiler" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 72, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Holcomb" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Holcomb" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 59, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Langdon" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Langdon" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 105, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 160, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Dockweiler" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Dockweiler" in the "Democratic" column.



Mr. DIBBLE. I now offer 2 ballots, numbered 34 and 133, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are crosses after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 182, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross on the line dividing the voting squares assigned to Braunhart and Livernash in the "Democratic" column, and crosses in the squares assigned to Braunhart and Livernash.

Mr. TEVLIN. Contestee denies that there is a cross on the line dividing the voting squares assigned to Braunhart and Livernash, in the "Democratic" column, and crosses in the squares assigned to Braunhart and Livernash.

Mr. DIBBLE. I now offer ballot No. 7, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 189, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot, at the head of the column marked "Prohibition ticket."

Mr. TEVLIN. Contestee denies that there is a blot at the head of the column marked "Prohibition ticket."

Mr. DIBBLE. I now offer ballot No. 195, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are four crosses in the voting square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there are four crosses in the voting square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 1, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 43, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the column marked "Socialist ticket."

Mr. TEVLIN. Contestee denies that there is a blot in the column marked "Socialist ticket."

Mr. DIBBLE. I now offer ballot No. 126, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 37, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 134, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 8, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendments 7 and 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendments 7 and 8."

Mr. DIBBLE. Contestant objects to ballots numbered 190, 94, 197, 184, 180, 39, 109, 16, 138, 102, 183, 29, 101, 85, 116, 103, 106, 72, 59, 105, 160, 34, 133, 182, 7, 189, 195, 1, 43, 126, 37, 134, and 8, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the seventeenth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 106 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection. (This offer includes ballot No. 14, which is torn vertically in two through the blank column.)

I now offer 43 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 43, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 91, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, numbered 126, 23, 138, and 15, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 3 ballots, numbered 127, 117, and 5, and upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 3 ballots, numbered 151, 114, and 18, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Thomas F. Finn" has been voted for member of assembly, Twenty-ninth assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Thomas F. Finn" has been voted for member of assembly, Twenty-ninth assembly district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 134, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 9 ballots, numbered 134, 18, 114, 127, 117, 5, 15, 138, and 126, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which, in the column marked "Independent nominations," there is a horizontal blue pencil mark of about an inch in length.

Mr. TEVLIN. Contestee denies that in the column marked "Independent nominations" there is a horizontal blue pencil mark of about an inch in length on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 147, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a lead-pencil erasure after the name "Trask" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a lead-pencil erasure after the name "Trask" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 141, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a lead-pencil erasure after the name "Jenks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a lead-pencil erasure after the name "Jenks" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 169, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Woodman" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Woodman" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 90, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the name "Kent" in the "Democratic" column not in the voting square.

Mr. TEVLIN. Contestee denies that there is a cross after the name "Kent" in the "Democratic" column not in the voting square.

Mr. DIBBLE. I now offer ballot No. 185, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 1 to 7," inclusive, and "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1 to 7," inclusive, and "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 83, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Law" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Law" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 68, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Brower" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Brower" in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 21, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "White" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "White" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 176, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Jordan" in the "Republican" column, and upon which the name "H. T. Gage" is written in the "Blank" column in blue pencil for governor.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Jordan" in the "Republican" column, and denies that the name H. T. Gage is written in the "Blank" column in blue pencil for governor.

Mr. DIBBLE. I now offer ballot No. 51, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Hunt" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Hunt" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 1, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Baggett" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Baggett" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 153, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Woodman" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Woodman" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 64, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.



Mr. DIBBLE. I now offer 3 ballots, numbered 179, 116, and 8, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon each of which there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column upon any of said ballots.

Mr. DIBBLE. Contestant objects to ballots numbered 43, 91, 126, 23, 138, 15, 127, 117, 5, 151, 114, 18, 134, 147, 141, 169, 90, 185, 83, 68, 21, 176, 51, 1, 153, 64, 179, 116, and 8, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the eighteenth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 101 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 53 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots, numbered 98, 22, 177, 94, 145, 143, and 133, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 143 there is an erasure after the name "Langdon" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Langdon" in the "Democratic" column.

Mr. DIBBLE. On ballot No. 145 there is a blot at the foot of the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a blot at the foot of the "Democratic" column.

Mr. DIBBLE. On ballot No. 22 there are two crosses in the voting square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 8."

Mr. DIBBLE. I now offer 3 ballots, numbered 102, 179, and 1, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 68, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Thomas F. Finn" has been voted for member of assembly, Twenty-ninth assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Thomas F. Finn" has been voted for member of assembly, Twenty-ninth assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 76, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the name "Lindsay" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Lindsay" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 62, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional dis-

trict, and upon which there are two crosses after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 184, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Richards" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Richards" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 8, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 2."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 2."

Mr. DIBBLE. I now offer ballot No. 2, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 138, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the lower margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the lower margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 150, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 57, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and upon which there is an erasure after the name "Livernash" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 63, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 7."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 7."

Mr. DIBBLE. I now offer ballot No. 129, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Kanouse" in the "Prohibition" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Kanouse" in the "Prohibition" column.

Mr. DIBBLE. I now offer ballot No. 89, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Angelotti" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Angelotti" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 56, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Holcomb" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Holcomb" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 21, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 127, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 2."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 2."

Mr. DIBBLE. I now offer ballot No. 183, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Costley" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Costley" in the "Socialist" column.

Mr. DIBBLE. Contestant objects to ballots numbered 98, 22, 177, 94, 145, 143, 133, 102, 179, 1, 68, 76, 62, 184, 8, 2, 138, 150, 57, 63, 129, 89, 56, 21, 127, and 183, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the nineteenth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 82 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 35 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, numbered 97, 100, 58, and 46, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 4 ballots, numbered 108, 98, 93, and 17, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 33, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 25, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 7, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Dockweiler" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Dockweiler" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 38, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 8, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Braunhart" in the "Democratic" column.



Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Braunhart" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 30, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the column marked "Prohibition ticket."

Mr. TEVLIN. Contestee denies that there is a blot in the column marked "Prohibition ticket."

Mr. DIBBLE. I now offer ballot No. 114, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Shannon" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Shannon" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 71, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, upon which there are two crosses in the voting square after the name "Woodman" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Woodman" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 66, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 62, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Beatty" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Beatty" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 85, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 106, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in front of the names "Lister" and "White" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a blot in front of the names "Lister" and "White" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 110, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 137, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. DIBBLE. Contestant objects to ballots numbered 97, 100, 58, 46, 108, 98, 93, 17, 33, 25, 7, 38, 8, 30, 114, 71, 66, 62, 85, 106, 110, and 137, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the twentieth precinct of the Twenty-ninth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 100 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 37 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 10 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, numbered 164, 29, 115, 59, and 120, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional District, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 141 and 5, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 141 there are two crosses in the voting square after the name "Lister" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lister" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 31, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot after the name "Farnsworth" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a blot after the name "Farnsworth" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 63, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Harkness" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Harkness" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 90, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Braunhart" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Braunhart" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 129, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross on the line between the voting squares assigned to Wheeler and Anderson, "Socialist" column, and a cross in each of said squares.

Mr. TEVLIN. Contestee denies that there is a cross on the line between the voting squares assigned to Wheeler and Anderson, "Socialist" column, and a cross in each of said voting squares.

Mr. DIBBLE. I now offer ballot No. 160, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 57, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot after the name "Brown" and one in front of the name "Kahn" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is a blot after the name "Brown," and denies that there is one in front of the name "Kahn" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 6, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 111, upon which the name Edward J. Livernash had been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot on the vertical line separating "Independent nominations" column from the "Blank" column.

Mr. TEVLIN. Contestee denies that there is a blot on the vertical line separating "Independent nominations" column from "Blank" column.

Mr. DIBBLE. Contestant objects to ballots numbered 164, 29, 115, 59, 120, 141, 5, 31, 63, 90, 129, 160, 57, 6, and 111 and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that an adjournment be now taken until to-morrow, Tuesday, February 17, 1903, at the hour of 9.30 o'clock a. m., at room 9, city hall, San Francisco.

TUESDAY, February 17, 1903.

Pursuant to the adjournment by stipulation, the examination was resumed this 17th day of February, 1903, at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 9.30 o'clock a. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

40. Q. Will you produce the packages containing the ballots of the first, second, third, and fourth precincts of the Thirtieth assembly district?—A. Yes, sir; they are here.

41. Q. Will you examine the seals and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon the first precinct of the Thirtieth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 71 ballots upon which the name of Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 74 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 9 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 11 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 79 and 56, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

I now offer 2 ballots, numbered 151 and 162, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 71, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lindsay" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lindsay" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 124, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Hebbard" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Hebbard" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 163, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a lead-pencil erasure after the name "Rosborough" in the "Democratic" column.



Mr. TEVLIN. Contestee denies that there is a lead-pencil erasure after the name "Rosborough" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 111, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Woods" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Woods" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 63, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 1, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Brooks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Brooks" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 144, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. DIBBLE. I now offer ballot No. 77, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Costley" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Costley" in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 100, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McMahon" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "McMahon" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 23 upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square, after "Amendments 8 and 9."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square, after "Amendments 8 and 9."

Mr. DIBBLE. Contestant objects to ballots numbered 79, 56, 151, 162, 71, 124, 163, 111, 63, 1, 144, 77, 100, and 23, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the second precinct of the Thirtieth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 107 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 75 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 29 and 57, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, numbered 192, 78, 89, 44, 18, and 132, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been

voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 89 there is an erasure after the name "Braunhart" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Braunhart" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 45, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "McMahon" has been voted for member of assembly, Thirtieth assembly district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "McMahon" has been voted for member of assembly, Thirtieth assembly district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 88, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 85, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 167, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 1, 3, 4, 5, and 6."

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1, 3, 4, 5, and 6."

Mr. DIBBLE. I now offer ballot No. 71, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot after "Amendment No. 7."

Mr. TEVLIN. Contestee denies that there is a blot after "Amendment No. 7."

Mr. DIBBLE. I now offer ballot No. 187, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which, in front of the name "Kent," in the "Democratic" column, are the initials "E. S."

Mr. TEVLIN. Contestee denies that in front of the name "Kent," in the "Democratic" column, are the initials "E. S."

Mr. DIBBLE. I now offer ballot No. 198, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Wilson" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "Wilson" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 202, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 29, 57, 192, 78, 89, 44, 18, 132, 45, 88, 85, 167, 71, 187, 198, and 202, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the third precinct of the Thirtieth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 108 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 99 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 25, 10, and 17, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 3 ballots, numbered 114, 8, and 181, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 114 there are erasures after the word "No," opposite "Amendments 4 and 5."

Mr. TEVLIN. Contestee denies that there are erasures after the word "No," opposite "Amendments 4 and 5."

Mr. DIBBLE. I now offer ballot No. 72, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Muller," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Muller," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 137, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lawler," in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lawler," in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 79, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Woodman," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Woodman," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 96, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 94, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Union Labor" column, and upon which there is a lead-pencil erasure after the name "Edward J. Livernash," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a lead-pencil erasure after the name "Edward J. Livernash," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 172, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a lead-pencil erasure after the name "Rowell," in the "Prohibition" column.

Mr. TEVLIN. Contestee denies that there is a lead-pencil erasure after the name "Rowell," in the "Prohibition" column.

Mr. DIBBLE. I now offer ballot No. 224, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the word "Yes," opposite "Amendment No. 5."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "Yes," opposite "Amendment No. 5."

Mr. DIBBLE. I now offer ballot No. 84, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "Yes," opposite "Amendment No. 8."



Mr. TEVLIN. Contestee denies that there is an erasure after the word "Yes," opposite "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 86, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Dockweiler," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Dockweiler," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 204, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square, after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square, after "Amendment No. 8."

Mr. DIBBLE. Contestant objects to ballots numbered 25, 10, 17, 114, 8, 181, 72, 137, 79, 96, 94, 172, 224, 84, 86, and 204, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the fourth precinct of the Thirtieth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 104 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 78 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, numbered 15, 10, 2, 140, 16, and 118, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 4 ballots, numbered 183, 100, 130, and 30, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 183 there are two crosses in the voting square after the name "Guilfoyle," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Guilfoyle," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 188, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Abner McMahon" has been voted for member of assembly, Thirtieth assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Abner McMahon" has been voted for member of assembly, Thirtieth assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 162, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Shaw," in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Shaw," in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 180, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the word "No," opposite "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "No" opposite "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 164, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Guilfoyle" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Guilfoyle" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 209, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Fritz" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Fritz" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 160, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the lower right-hand corner of the ballot and also an erasure after the name "Cook" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the lower right-hand corner of the ballot and also denies that there is an erasure after the name "Cook" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 144, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Braunhart" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Braunhart" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 79, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Pardee" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Pardee" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 124, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the column marked "Blank" column.

Mr. TEVLIN. Contestee denies that there is a blot in the column marked "Blank" column.

Mr. DIBBLE. I now offer ballot No. 120, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McMahon" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "McMahon" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 127, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the column marked "Prohibition ticket."

Mr. TEVLIN. Contestee denies that there is a blot in the column marked "Prohibition ticket."

Mr. DIBBLE. I now offer ballot No. 176, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column and also a cross at the head of the column marked "Democratic ticket."

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column and also a cross at the head of the column marked "Democratic ticket."

Mr. DIBBLE. I now offer ballot No. 89, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 152, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 189, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Barduhn" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Barduhn" in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 186, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Andrew" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Andrew" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 177, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "No" opposite "Amendment No. 5."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "No" opposite "Amendment No. 5."

Mr. DIBBLE. I now offer ballot No. 109, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 15, 10, 2, 140, 16, 118, 183, 100, 130, 30, 188, 162, 180, 164, 209, 160, 144, 79, 124, 120, 127, 176, 89, 152, 189, 186, 177, and 109, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that a recess be now taken until this afternoon at 2 o'clock.

#### AFTERNOON SESSION.

Pursuant to the adjournment by stipulation of the morning session, the examination was resumed at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 2 o'clock p. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

42. Q. Will you produce the packages containing the ballots of the fifth, sixth, seventh, and eighth precincts of the Thirtieth assembly district?—A. Yes, sir; they are here.

43. Q. Will you examine the seals and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon the fifth precinct of the Thirtieth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 75 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 74 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 10 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 56, upon which both the names Costley and Kahn have been voted for Representative in Congress, Fourth Congressional district.

I now offer two ballots, numbered 11 and 4, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, numbered 126, 71, 68, 81, 14, and 28, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.



Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 168, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 34, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a lead-pencil erasure after the name "Kahn," in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is a lead-pencil erasure after the name "Kahn" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 108, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Livernash" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Livernash" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 29, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 154, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 133, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the word "Yes" opposite "Amendment No. 2."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "Yes," opposite "Amendment No. 2."

Mr. DIBBLE. I now offer ballot No. 147, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Woods" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Woods" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 6, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional District, in a manner not authorized by law.

Mr. DIBBLE. I now offer ballot No. 3, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 22, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two or more crosses on the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there are two or more crosses on the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 5, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McMahon" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "McMahon" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 31, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross at the head of the column marked "Democratic ticket."

Mr. TEVLIN. Contestee denies that there is a cross at the head of the column marked "Democratic ticket."

Mr. DIBBLE. I now offer ballot No. 142, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a lead-pencil cross in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a lead-pencil cross in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 11, 4, 126, 71, 68, 81, 14, 28, 168, 34, 108, 29, 154, 133, 147, 6, 3, 22, 5, 31, and 142, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the Sixth precinct of the Thirtieth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 98 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 82 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district. This offer includes ballot No. 66, upon which the name Julius Kahn has been voted in lead pencil. This ballot was in a separate bundle from the other 81 offered ballots, although in the same envelope.

I now offer 4 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 9 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 21, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 9 and 107, upon which both the names Rowell and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, numbered 19, 112, 50, 90, and 154, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. On ballot 19 there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. On ballot No. 50 there are two crosses in the voting square after the name "Gallagher" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Gallagher" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 211, upon which the name "Edward J. Livernash" has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Abner McMahon" has been voted for member of assembly, Thirtieth assembly district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Abner McMahon" has been voted for member of assembly, Thirtieth assembly district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 135, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name A. B. Lawson has been voted for justice of the peace in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name A. B. Lawson has been voted for justice of the peace in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 190, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Kent," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Kent" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 48, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Langdon" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Langdon" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 58, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "No" opposite "Amendment No. 4."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "No" opposite "Amendment No. 4."

Mr. DIBBLE. I now offer ballot No. 193, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 192, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Fritz" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Fritz" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 203, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross at the head of the column marked "Constitutional amendments."

Mr. TEVLIN. Contestee denies that there is a cross at the head of the column marked "Constitutional amendments."

Mr. DIBBLE. I now offer ballot No. 103, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Beatty" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 73, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Gallagher" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Gallagher" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 92, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "Long" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Long" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 57, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the word "No" opposite "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "No," opposite "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 37, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "No" opposite "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "No," opposite "Amendment No. 1."



Mr. DIBBLE. I now offer ballot No. 12, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McMahon" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "McMahon" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 36, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Brooks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Brooks" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 144, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Farnsworth" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Farnsworth" in the "Democratic" column.

Mr. DIBBLE. I now offer 5 ballots—151, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Braunhart" in the "Democratic" column; 62, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column; 24, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column; 34, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column; 99, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column. The last 5 ballots were in a separate bundle from the offers already made, although inclosed in the same envelope.

Mr. TEVLIN. Contestee denies that on ballot 151 there are two crosses in the voting square after the name "Braunhart" in the "Democratic" column; also denies that on ballot 62 there is a cross after the title "Judges of the superior court" in the "Democratic" column; also denies that upon ballot 24 there is a cross after the title "Judges of the superior court" in the "Union Labor" column; also denies that on ballot 34 there is a cross after the title "Judges of the superior court" in the "Union Labor" column; and also denies that on ballot 99 there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 21, 9, 127, 19, 112, 50, 90, 154, 211, 135, 190, 48, 58, 193, 192, 203, 103, 73, 92, 57, 37, 12, 36, 144, 151, 62, 24, 34, and 99, and claims that said ballots should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon, the seventh precinct of the Thirtieth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 106 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 76 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 10 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 151 and 156, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 135, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are erasures after the name "Lister," in the "Union Labor" column, and after the name "Jenks," in the Democratic column."

Mr. TEVLIN. Contestee denies that there are erasures after the name "Lister," in the "Union Labor" column, and the name "Jenks," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 200, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. DIBBLE. I now offer ballot No. 63, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square, after the word "No," opposite Amendments 1 and 8.

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square, after the word "No," opposite Amendments 1 and 8.

Mr. DIBBLE. I now offer ballot No. 112, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure in the column marked "Independent Nominations."

Mr. TEVLIN. Contestee denies that there is an erasure in the column marked "Independent Nominations."

Mr. DIBBLE. I now offer ballot No. 45, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares, after "Amendments 5 and 8."

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 5 and 8."

Mr. DIBBLE. I now offer ballot No. 5, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 22, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Curry" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Curry" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 16, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 118, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "No" opposite "Amendment No. 2."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "No" opposite "Amendment No. 2."

Mr. DIBBLE. I now offer ballot No. 32, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Burton" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Burton" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 207, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Webb" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Webb" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 73, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "No" opposite "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "No" opposite "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 203, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 33, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. Contestant objects to ballots numbered 151, 156, 135, 200, 63, 112, 45, 5, 22, 16, 118, 32, 207, 73, 203, and 33, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the eighth precinct of the Thirtieth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 93 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 67 ballots upon which the name "Julius Kahn" has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 67, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, numbered 162, 89, 9, 135, and 182, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Edward J. Livernash" has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 3 ballots, numbered 79, 22, and 112, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for "superintendent of public schools," in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 37, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are 6 crosses not within voting squares, in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that there are 6 crosses not within voting squares in the column marked "Union Labor ticket."

Mr. DIBBLE. I now offer ballot No. 161, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 17, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "Yes," opposite "Amendment No. 1."



Mr. TEVLIN. Contestee denies that there is an erasure after the word "Yes," opposite "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 144, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot at the head of the column marked "Democratic ticket."

Mr. TEVLIN. Contestee denies that there is a blot at the head of the column marked "Democratic ticket."

Mr. DIBBLE. I now offer ballot No. 171, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Law" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Law" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 92, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. DIBBLE. I now offer ballot No. 100, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Jenks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Jenks" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 63, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 116, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "Yes," opposite "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "Yes," opposite "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 127, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. Contestant objects to ballots numbered 67, 162, 89, 9, 135, 182, 79, 22, 112, 37, 161, 17, 144, 171, 92, 100, 63, 116, and 127, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that an adjournment be now taken until to-morrow, Wednesday, February 18, 1903, at the hour of 9.30 a. m., at room 9, city hall, San Francisco.

WEDNESDAY, February 18, 1903.

Pursuant to the adjournment by stipulation, the examination was resumed this 18th day of February, 1903, at the office of the registrar of voters, in room 9 of the city hall, of the city and county of San Francisco, at the hour of 9.30 o'clock a. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

44. Q. Will you produce the packages containing the ballots of the tenth, eleventh, twelfth, and thirteenth precincts of the Thirtieth assembly district?—A. Yes, sir; they are here.

45. Q. Will you examine the seals and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon the tenth precinct of the Thirtieth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

MR. DIBBLE. I now offer 103 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 83 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 153, upon which both the names "Kahn" and "Livernash" have been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, numbered 213, 136, 58, 167, and 77, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

MR. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

MR. DIBBLE. On ballot 77 there are two crosses in the voting square after the name "Livernash" in the "Democratic" column, and two crosses in the voting square after the word "No," opposite "Amendment No. 3."

MR. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Livernash" in the "Democratic" column, and denies that there are two crosses in the voting square after the word "No," opposite "Amendment No. 3."

MR. DIBBLE. On ballot 213 there is an erasure after the name "Shannon" in the "Republican" column.

MR. TEVLIN. Contestee denies that there is an erasure after the name "Shannon" in the "Republican" column.

MR. DIBBLE. I now offer two ballots numbered 66 and 176, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

MR. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column, and also in the "Union Labor" column.

MR. DIBBLE. I now offer ballot No. 27, upon which the name "Edward J. Livernash" has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Holcomb" in the "Democratic" column, and two crosses in the voting square after "Amendment No. 9."

MR. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Holcomb" in the "Democratic" column, and denies that there are two crosses in the voting square after "Amendment No. 9."

MR. DIBBLE. I now offer ballot No. 164, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "White" in the "Union Labor" column.

MR. TEVLIN. Contestee denies that there is an erasure after the name "White" in the "Union Labor" column.

MR. DIBBLE. I now offer ballot No. 203, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 9."

MR. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 9."

MR. DIBBLE. I now offer ballot No. 154, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McClellan" in the "Republican" column.

MR. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "McClellan" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 59, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Williams" in the "Prohibition" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Williams" in the "Prohibition" column.

Mr. DIBBLE. I now offer ballot No. 107, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Dunn" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Dunn" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 159, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an attempted erasure after the name "Livernash" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an attempted erasure after the name "Livernash" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 160, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Carroll" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Carroll" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 153, 213, 136, 58, 167, 77, 66, 176, 27, 164, 203, 154, 59, 107, 159, and 160, and claims that they should not be counted.

Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon, the eleventh precinct of the Thirtieth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 148 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 56 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 10 and 123, upon which the names Costley and Kahn have been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 218 and 31, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots, numbered 176, 86, 186, 102, 197, 94, and 30, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 61, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column, and also in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 145, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in front of the name Edward J. Livernash. This ballot is endorsed "Rejected, J. H. G. Gilmore, judge."

I now offer ballot No. 11, upon which the name Edward J. Livernash has been



voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the names "Livernash" and "Langdon" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the names "Livernash" and "Langdon" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 42, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are erasures after "Amendments 4, 5, and 6" and upon which there are two crosses after the word "No" opposite "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there are erasures after "Amendments 4, 5, and 6" and denies that there are two crosses after the word "No" opposite "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 56, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 133, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 76, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Jenks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Jenks" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 149, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 153, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 53, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 2."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 2."

Mr. DIBBLE. I now offer ballot No. 39, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 15, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Heenan" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Heenan" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 172, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 49, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot 106, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lawler" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lawler" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 207, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 139, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong squares after "Amendment No. 1" and "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong squares after "Amendment No. 1" and "Amendment No. 3."

Mr. DIBBLE. Contestant objects to ballots numbered 218, 31, 176, 86, 186, 102, 197, 94, 30, 61, 145, 11, 42, 56, 133, 76, 149, 153, 53, 39, 15, 172, 49, 103, 207, and 139, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the twelfth precinct of the Thirtieth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 86 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 26 ballots, upon which the name of Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 14 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district. (This offer includes 2 ballots, numbered 104 and 2, rejected by the election board.)

I now offer 2 ballots, numbered 100 and 121, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, numbered 46, 84, 60, and 42, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 31 and 73, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name William H. Langdon has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name William H. Langdon has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 49, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name Abner McMahon has been voted for member of assembly, Thirtieth assembly district, in the "Democratic" column and in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Abner McMahon has been voted for member of assembly, Thirtieth assembly district, in the "Democratic" column and in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 4, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name A. B. Lawson has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name A. B. Lawson has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 105, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. DIBBLE. I now offer ballot No. 94, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are lead-pencil crosses after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are lead-pencil crosses after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 21, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 61, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a lead-pencil cross over the name "O'Donnell" in the column marked "Independent nominations."

Mr. TEVLIN. Contestee denies that there is a lead-pencil cross over the name "O'Donnell" in the column marked "Independent nominations."

Mr. DIBBLE. On ballot 61, there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 133, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 98, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lawson" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lawson" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 16, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 53, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 79, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 29, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Alford" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Alford" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 88, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Burton" in the "Union Labor" column.



Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Burton" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 100, 121, 46, 84, 60, 42, 31, 73, 49, 4, 105, 94, 21, 61, 133, 98, 16, 53, 79, 29, and 88, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the thirteenth precinct of the Thirtieth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 99 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 57 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 112, upon which both the names Rowell and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 10 ballots numbered 166, 135, 107, 169, 7, 13, 28, 52, 73, and 89, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 149, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lawson" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lawson" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 152, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Holcomb" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Holcomb" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 146, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 80, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 5."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 5."

Mr. DIBBLE. I now offer ballot No. 46, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 21, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Webster" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Webster" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 15, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Guilfoyle" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Guilfoyle" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 161, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Mueller" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Mueller" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot 71, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 94, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 112, 166, 135, 107, 169, 7, 13, 28, 52, 73, 89, 149, 152, 146, 80, 46, 21, 15, 161, 71, and 94 and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

It is stipulated and agreed that a recess be now taken until this afternoon at 2 o'clock.

#### AFTERNOON SESSION.

Pursuant to the adjournment by stipulation of the morning session, the examination was resumed at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 2 o'clock p. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

46. Q. Will you produce the packages containing the ballots of the fourteenth, fifteenth, sixteenth, and seventeenth precincts of the Thirtieth assembly district?—A. Yes, sir; they are here.

47. Q. Will you examine the seals, and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon the fourteenth precinct of the Thirtieth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 106 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 82 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 9 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 83, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots numbered 87, 119, 166, 146, 82, and 104, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. On ballot 166 there are pencil markings in the voting squares in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are pencil markings in the voting squares in the "Democratic" column.

Mr. DIBBLE. On ballot 104, written on the face of the ballot, in the column marked "Socialist Ticket," are the words "Not counted G. H. S. and M. T.," and with horizontal lines drawn from the titles "Judges of the superior court" and "Justices of the peace" in the "Democratic" column, to the corresponding titles in the "Union Labor" column.

I now offer ballot No. 92, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column, and also in the "Union Labor" column.

I now offer ballot No. 127, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the column marked "Blank" column.

Mr. TEVLIN. Contestee denies that there is a blot in the column marked "Blank" column.

Mr. DIBBLE. I now offer ballot No. 153, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "White" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "White" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 177, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a lead-pencil cross in the voting square after the name "Jordan" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is a lead-pencil cross in the voting square after the name "Jordan" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 135, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the word "Yes," opposite "Amendment No. 4."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the word "Yes," opposite "Amendment No. 4."

Mr. DIBBLE. I now offer ballot No. 208, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses at the head of the column marked "Democratic ticket."

Mr. TEVLIN. Contestee denies that there are two crosses at the head of the column marked "Democratic ticket."

Mr. DIBBLE. I now offer ballot No. 70, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, upon which there are ten crosses not within voting squares, in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that there are ten crosses not within voting squares in the column marked "Union Labor ticket."

Mr. DIBBLE. I now offer ballot No. 163, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the word "Yes," opposite "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is an erasure after the word "Yes," opposite "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 45, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Alford," in the "Democratic" column.

Mr. TEVLIN. Contestant denies that there is an erasure after the name "Alford" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 150, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the word "No," opposite "Amendment No. 1," and also after the name "Lane," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after



the word "No," opposite "Amendment No. 1," and also after the name "Lane," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 28, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which appears the name "Franklin K. Lane" for governor, printed in the column marked "Democratic ticket," and in the column marked "Blank" column the name "Franklin K. Lane" written in lead pencil.

Mr. TEVLIN. Contestee denies that there appears upon said ballot the name "Franklin K. Lane" for governor, printed in the column marked "Democratic ticket," and in the column marked "Blank" column the name "Franklin K. Lane" written in lead pencil.

Mr. DIBBLE. I now offer ballot No. 215, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in lead pencil.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in lead pencil.

Mr. DIBBLE. I now offer ballot No. 217, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Rosborough" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Rosborough" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 83, 87, 119, 166, 146, 82, 104, 92, 127, 153, 177, 135, 208, 70, 163, 45, 150, 28, 215, and 217, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

Thereupon, the fifteenth precinct of the Thirtieth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 103 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 74 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots numbered 60, 45, 197, 115, and 130, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. On ballot 45 there are two crosses in the voting square after the name "Van Nostrand" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Van Nostrand" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 16, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column, and in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 169, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Abner McMahon" has been voted for member of assembly, Thirtieth assembly district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Abner McMahon" has been voted for member of assembly, Thirtieth assembly district, in the "Democratic" column, and in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 64, upon which the name Edward J. Livernash

has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Lister" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Lister" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 139, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Hebbard" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Hebbard" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 47, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 57, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 161, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 25, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lister" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 60, 45, 197, 115, 130, 16, 169, 64, 139, 47, 57, 161, and 25, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

Thereupon, the sixteenth precinct of the Thirtieth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 92 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 49 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional District.

I now offer 4 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, numbered 131, 90, 4, 58, and 112, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. On ballot 90 there is a cross after the title, "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer 3 ballots, numbered 129, 1, and 74, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools, in the "Democratic" column, and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 65, upon which the name Edward J. Livernash

has been voted for Representative in Congress, Fourth Congressional district, and upon which there are blots in the column marked "Blank column."

Mr. TEVLIN. Contestee denies that there are blots in the column marked "Blank column."

Mr. DIBBLE. I now offer ballot No. 84, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are erasures after "Amendments 1 and 2."

Mr. TEVLIN. Contestee denies that there are erasures after "Amendments 1 and 2."

Mr. DIBBLE. I now offer ballot No. 103, upon which the name "Edward J. Livernash" has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Law" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Law" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 126, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 7."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 7."

Mr. DIBBLE. I now offer ballot No. 18, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in front of the names "Farnsworth" and "Trask" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are crosses in front of the names "Farnsworth" and "Trask" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 75, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot at the foot of the column marked "Blank column."

Mr. TEVLIN. Contestee denies that there is a blot at the foot of the column marked "Blank column."

Mr. DIBBLE. I now offer ballot No. 99, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the name "McMahon" in the "Union labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the name "McMahon" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 3, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 131, 90, 4, 58, 112, 129, 1, 74, 65, 84, 103, 126, 18, 75, 99, and 3, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

Thereupon, the seventeenth precinct of the Thirtieth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 144 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 37 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 10 ballots, numbered 135, 110, 127, 133, 99, 182, 166, 52, 43, and 105, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. On ballot 105, there is a lead-pencil erasure after the name "William T. Baggett" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a lead-pencil erasure after the name "William T. Baggett" in the "Democratic" column.



Mr. DIBBLE. I now offer 3 ballots, numbered 39, 30, and 163, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column, and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 183, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 34, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an attempted erasure after "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there is an attempted erasure after "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 36, upon which the name "Edward J. Livernash" has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 5."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 5."

Mr. DIBBLE. I now offer ballot No. 98, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the names "Colgan," "Brown," and "Lawler" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the names "Colgan," "Brown," and "Lawler" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 128, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are lead-pencil erasures after the names "Hunt" and "Hebbard" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are lead-pencil erasures after the names "Hunt" and "Hebbard" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 140, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the names "Pardee" and "Anderson" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the names "Pardee" and "Anderson" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 148, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a lead-pencil erasure after the name "Fritz" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a lead-pencil erasure after the name "Fritz" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 85, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 165, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. Contestant objects to ballots numbered 135, 110, 127, 133, 99, 182, 166, 52, 43, 105, 39, 30, 163, 183, 34, 36, 98, 128, 140, 148, 85, and 165, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

It is stipulated and agreed that an adjournment be now taken until to-morrow, Thursday, February 19, 1903, at the hour of 9.30 a. m., at room 9, city hall, San Francisco.

THURSDAY, *February 19, 1903.*

Pursuant to the adjournment by stipulation, the examination was resumed this 19th day of February, 1903, at the office of the registrar of voters, in room 9 of the city hall, of the city and county of San Francisco, at the hour of 9.30 o'clock a. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

48. Q. Will you produce the packages containing the ballots of the eighteenth, nineteenth, and twentieth precincts of the Thirtieth assembly district?—A. Yes, sir; they are here.

49. Q. Will you examine the seals and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon the eighteenth precinct of the Thirtieth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 113 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 39 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 9 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots, numbered 9, 140, 106, 174, 56, 18, and 14, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. On ballot 106 there is a cross on the name "William H. Langdon," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross on the name "William H. Langdon," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 74, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "A. B. Lawson" has been voted for "Justice of the peace" in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "A. B. Lawson" has been voted for "Justice of the peace" in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 34, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, in lead pencil, and upon the back of the ballot is indorsed the following: "Rejected, because of lead-pencil marks," and signed by the election board.

I now offer ballot No. 39, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Brower," in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Brower," in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 145, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 8."

Mr. DIBBLE. I now offer two ballots numbered 161 and 40, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon each of which there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that upon either of said ballots there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 16, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. DIBBLE. I now offer ballot No. 141, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Andrew," in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Andrew," in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 143, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the lower margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the lower margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 172, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure on the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure on the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 104, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an attempted erasure after the name "Woodman," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an attempted erasure after the name "Woodman," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 76, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Mueller," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Mueller," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 27, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Livernash," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Livernash," in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 9, 140, 106, 174, 56, 18, 14, 74, 34, 39, 145, 161, 40, 16, 141, 143, 172, 104, 76, and 27, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

Thereupon the nineteenth precinct of the Thirtieth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 117 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 44 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 20, upon which both the names Rowell and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, numbered 16, 49, 175, 183, 162, and 159, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot 49 there is a cross after the title "Judges of the superior court," in the "Democratic" column.



Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 33 and 137, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon each of which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that upon each of said ballots the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot 33 there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 138, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a pencil line about 4 inches long on the back of the ballot.

Mr. TEVLIN. Contestee denies that there is a pencil line about 4 inches long on the back of the ballot.

Mr. DIBBLE. I now offer ballot No. 147, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer 2 ballots, numbered 96 and 36, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon each of which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 65, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 170, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 66, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McMahon" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "McMahon" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 72, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 64, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 1, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are 2 crosses in the voting square after the name "Colgan" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are 2 crosses in the voting square after the name "Colgan" in the "Republican" column.

Mr. DIBBLE. Contestant objects to ballots numbered 20, 16, 49, 175, 183, 162, 159, 33, 137, 138, 147, 96, 36, 65, 170, 66, 72, 64, and 1, and claims that they should not be counted. Contestant claims that said ballots are illegal and void, under the laws and decisions in the State of California. Said illegalities are described in the various offers.

Thereupon, the twentieth precinct of the Thirtieth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 116 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 63 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 180, upon which both the names Rowell and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 80, upon which the names Rowell, Costley, Kahn, and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 93, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 14 ballots, numbered 14, 114, 31, 65, 66, 6, 185, 212, 73, 113, 166, 170, 35, and 18, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. On ballot 14 there is a cross in the wrong square after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 3."

Mr. DIBBLE. On ballot 114 there are 2 crosses in the voting square after the name "Wilson" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are 2 crosses in the voting square after the name "Wilson" in the "Democratic" column.

Mr. DIBBLE. On ballot 31 there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer 6 ballots, numbered 216, 81, 112, 13, 145, and 160, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and in the "Union Labor" column.

Mr. DIBBLE. On ballot 145 there is an erasure after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 8."

Mr. DIBBLE. On ballot 160 there are two crosses in the voting square after the name "Trask" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Trask" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 105, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an ink blot in the column marked "Socialist ticket."

Mr. TEVLIN. Contestee denies that there is an ink blot in the column marked "Socialist ticket."

Mr. DIBBLE. I now offer ballot No. 7, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 48, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the column marked "Republican ticket."

Mr. TEVLIN. Contestee denies that there is a blot in the column marked "Republican ticket."

Mr. DIBBLE. I now offer ballot No. 58, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot after the name "Curry" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is a blot after the name "Curry" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 173, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 1, 2, 3, 7, and 8."

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1, 2, 3, 7, and 8."

Mr. DIBBLE. I now offer ballot No. 119, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 160, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 141, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 147, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 72, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 1, 2, 5, and 6."

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1, 2, 5, and 6."

Mr. DIBBLE. I now offer ballot No. 4, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. DIBBLE. Contestant objects to ballots numbered 180, 80, 93, 14, 114, 31, 65, 66, 6, 185, 212, 73, 113, 166, 170, 35, 18, 216, 81, 112, 13, 145, 160, 105, 7, 48, 58, 173, 119, 160, 141, 147, 72, and 4, and claims that they should not be counted.

Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

It is stipulated and agreed that a recess be now taken until this afternoon at 2.15 o'clock.

#### AFTERNOON SESSION.

Pursuant to the adjournment by stipulation of the morning session, the examination was resumed at the office of the registrar of voters, in room 9 of the city hall, of the city and county of San Francisco, at the hour of 2.15 o'clock p. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

50. Q. Will you produce the packages containing the ballots of the first, second, third, and fourth precincts of the Thirty-first assembly district?—A. Yes, sir; they are here.

51. Q. Will you examine the seals and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.



Thereupon the first precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister," in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister," in the column marked "Union Labor ticket." The offer is objected to on the ground that it is irrelevant, and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 122 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 47 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 10 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 169, 196, and 114, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots, numbered 14, 15, 187, 214, 159, 56, 106, and 151, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot No. 151 there is a cross in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. On ballot 106 there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer 4 ballots, numbered 180, 181, 48, and 170, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 84, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 118, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Charles A. Siskron" has been voted for member of assembly, Thirty-first assembly district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Charles A. Siskron" has been voted for member of assembly, Thirty-first assembly district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 21, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "H. Bunkers" has been voted for senator, Eighteenth senatorial district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "H. Bunkers" has been voted for senator, Eighteenth senatorial district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 176, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "White" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "White" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 68, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Guilfoyle" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Guilfoyle" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 76, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 39, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 29, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Gallagher" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Gallagher" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 62, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 144, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 200, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Siskron" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Siskron" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 202, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Union Labor" column, and upon which there is an erasure after the name "Livernash" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Livernash" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 158, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 153, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer 2 ballots, numbered 12 and 35, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon each of which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that upon each of said ballots there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 161, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Bunkers" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 43, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Cook" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Cook" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 212, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Bunkers" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Bunkers" in the "Democratic" column.

Mr. DIBBLE. I now offer 6 ballots, numbered 97, 199, 152, 100, 131, and 209, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon each of which there is a cross after the title "Justices of the peace," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that upon each of said ballots there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the Political Code of the State of California, directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 169, 196, 114, 14, 15, 187, 214, 159, 56, 106, 151, 180, 181, 48, 170, 84, 118, 21, 176, 68, 76, 39, 29, 62, 144, 200, 202, 158, 153, 12, 35, 161, 43, 212, 97, 199, 152, 100, 131, and 209, and claims that they should not be counted. Contestant claims that said ballots are illegal and void, under the laws and decisions in the State of California. Said illegalities are described in the various offers.

Thereupon, the second precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket." The offer is objected to on the ground that it is irrelevant and that it is not responsive to any issue raised between the parties to this contest and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 119 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 62 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 72, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, numbered 176, 80, 165, 141, 43, and 124, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.



Mr. DIBBLE. On ballot 80 there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer 3 ballots, numbered 75, 91, and 96, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 15, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross on the line dividing the voting squares between the names "Jordan" and "Kirk" and a cross in each of the voting squares after the names "Jordan" and "Kirk" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is a cross on the line dividing the voting squares between the names "Jordan" and "Kirk," and a cross in each of the voting squares after the names "Jordan" and "Kirk" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 2, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Rosborough," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Rosborough" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 130, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Colgan" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Colgan" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 197, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 41, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lister" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lister" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 108, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Harkness" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Harkness" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 46, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 63, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 117, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 161, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lister" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lister" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 207, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Heenan" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Heenan" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 106, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Andrew" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Andrew" in the "Republican" column.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct, upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the Political Code of the State of California, directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 72, 176, 80, 165, 141, 43, 124, 75, 91, 96, 15, 2, 130, 197, 41, 108, 46, 63, 117, 161, 207, and 106, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

Thereupon the third precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. On the reverse side of all the ballots in this precinct there are two sets of numbers, and it is agreed between the parties hereto that both sets of numbers were made by the precinct election officers, and that the presence of either set of numbers does not constitute a distinguishing mark on said ballots.

I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket."

The offer is objected to on the ground that it is irrelevant and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegation contained in the notice of contest, in this proceeding.

I now offer 107 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 52 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots upon which the name "William Costley" has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 37, upon which both the names "Kahn and Livernash" have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 74, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots numbered 127, 137, 119, 83, and 16, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 69, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 56, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 7, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 37, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a lead pencil cross in the voting square after the name "Livernash" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a lead pencil cross in the voting square after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 165, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 152, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 36, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 11, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Dockweiler," one made with a voting paraphernalia and one not made with a voting paraphernalia, in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Dockweiler," one made with a voting paraphernalia, and one not made with a voting paraphernalia, in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 175, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 142, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 188, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 174, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 110, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.



Mr. DIBBLE. I now offer ballot No. 2, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Bunkers" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Bunkers" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 46, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Heenan" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Heenan" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 201, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 1 and 2."

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1 and 2."

Mr. DIBBLE. I now offer ballot No. 128, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 2."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 2."

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the Political Code of the State of California, directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 37, 74, 127, 137, 119, 83, 16, 69, 56, 7, 37, 165, 152, 36, 11, 175, 142, 188, 174, 110, 2, 46, 201, and 128, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

Thereupon the fourth precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket." The offer is objected to on the ground that it is irrelevant and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 102 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which the contestant makes no objection.

I now offer 57 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 79, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, numbered 24, 132, 51, 98, and 41, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. On ballot 51 there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. DIBBLE. I now offer 4 ballots, numbered 118, 10, 200, and 199, upon which

the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 55, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the upper margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the upper margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 83, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Williams" in the "Prohibition" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Williams" in the "Prohibition" column.

Mr. DIBBLE. I now offer ballot No. 182 upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 197, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the "Constitutional amendments" column.

Mr. TEVLIN. Contestee denies that there is a blot in the "Constitutional amendment" column.

Mr. DIBBLE. I now offer ballot No. 195, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the "Constitutional amendments" column.

Mr. TEVLIN. Contestant denies that there is a blot in the "Constitutional amendments" column.

Mr. DIBBLE. I now offer ballot No. 196, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the column marked "Blank column."

Mr. TEVLIN. Contestee denies that there is a blot in the column marked "Blank column."

Mr. DIBBLE. I now offer ballot No. 191, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the column marked "Prohibition ticket."

Mr. TEVLIN. Contestee denies that there is a blot in the column marked "Prohibition ticket."

Mr. DIBBLE. I now offer ballot No. 104, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the column marked "Constitutional amendments."

Mr. TEVLIN. Contestee denies that there is a blot in the column marked "Constitutional amendments."

Mr. DIBBLE. I now offer ballot No. 84, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the column marked "Blank column."

Mr. TEVLIN. Contestee denies that there is a blot in the column marked "Blank column."

Mr. DIBBLE. I now offer ballot No. 31, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 1, 3, and 4."

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1, 3, and 4."

Mr. DIBBLE. I now offer ballot No. 94, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Fritz" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Fritz" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 17, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 44, upon which the name Edward J. Liver-nash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. DIBBLE. I now offer ballot No. 115, upon which the name Edward J. Liver-nash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 188, upon which the name Edward J. Liver-nash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the wrong square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 62, upon which the name Edward J. Liver-nash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 103, upon which the name Edward J. Liver-nash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Gett" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Gett" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 78, upon which the name Edward J. Liver-nash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Heenan" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 30, upon which the name Edward J. Liver-nash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a pencil erasure after the name "Kahn" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is a pencil erasure after the name "Kahn" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 88, upon which the name Edward J. Liver-nash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 69, upon which the name Edward J. Liver-nash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Guilfoyle" in the "Union Labor" column.

Mr. TEVLIN. Conte-tee denies that there is an erasure after the name "Guilfoyle" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the Political Code of the State of California directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 79, 24, 132, 51, 98, 41, 118, 10, 200, 199, 55, 83, 182, 197, 195, 196, 191, 101, 84, 31, 94, 17, 44, 115, 188, 62, 103, 78, 30, 88, and 69, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

It is stipulated and agreed that an adjournment be now taken until to-morrow, Friday, February 20, 1903, at the hour of 9.30 a. m., at room 9, city hall, San Francisco.

FRIDAY, February 20, 1903.

Pursuant to the adjournment by stipulation the examination was resumed this 20th day of February, 1903, at the office of the registrar of voters, in room 9 of the city hall, of the city and county of San Francisco, at the hour of 9.30 o'clock a. m.



J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

52. Q. Will you produce the packages containing the ballots of the fifth, sixth, seventh, eighth, and ninth precincts of the Thirty-first assembly district?—A. Yes, sir; they are here.

53. Q. Will you examine the seals and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon, the fifth precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister," in the column marked "Union Labor Ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor Ticket." The offer is objected to on the ground that it is irrelevant and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 101 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 46 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 10 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 24, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, numbered 155, 177, 138, and 65, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. On ballot 65 there is an erasure after the name "Andrew" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Andrew" in the "Republican" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 124 and 53, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column, and also in the "Union Labor" column, on either of said ballots.

Mr. DIBBLE. I now offer ballot No. 150, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 71, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "H. Bunkers" has been voted for senator, eighteenth senatorial district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "H. Bunkers" has been voted for senator, eighteenth senatorial district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 36, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 125, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Richards" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Richards" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 188, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Willson" in the "Democratic" column, and also two crosses in the voting square after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Wilson" in the "Democratic" column, and also denies that there are two crosses in the voting square after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 4, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Farnsworth" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Farnsworth" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 105, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Alderman" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Alderman" in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 94, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 103, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a lead-pencil erasure after the name "Heenan" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a lead pencil erasure after the name "Heenan" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 41, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Cook" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Cook" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 6, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Woods" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Woods" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 182, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which, in the column marked "Union Labor ticket," the name "Gideon S. Brower" is written in lead pencil and marked with a cross.

Mr. TEVLIN. Contestee denies that in the column marked "Union Labor ticket" the name "Gideon S. Brower" is written in lead pencil and marked with a cross.

Mr. DIBBLE. I now offer ballot No. 169, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 158, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 157, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Woodman" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Woodman" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 135, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Trask" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Trask" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct, upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the Political Code of the State of California directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 24, 155, 177, 138, 65, 124, 53, 150, 71, 36, 125, 188, 4, 105, 94, 103, 41, 6, 182, 169, 158, 157, and 135, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

Thereupon, the Sixth precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket." The offer is objected to on the ground that it is irrelevant and that it is not responsive to any issue raised between the parties to this contest and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 105 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant has no objection.

I now offer 67 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district. (This offer includes ballot No. 108, upon which there is a vertical tear in the "blank column.")

I now offer 4 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 9 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots numbered 5 and 202 upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots numbered 26, 74, 76, 179, and 182 upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 154 upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "H. Bunkers" has been voted for senator, Eighteenth senatorial district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "H. Bunkers" has been voted for senator, Eighteenth senatorial district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 97 upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Charles Siskron" has been voted for member of assembly, Thirty-first assembly district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Charles Siskron" has been voted for member of assembly, Thirty-first assembly district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 62 upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and



upon which there are two crosses in the voting square after the name "Hunt" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Hunt" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 135 upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Jenks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Jenks" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 129, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 55, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Siskron" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Siskron" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 111, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Union Labor" column, and upon which there is an erasure after the name "Livernash" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Livernash" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 124, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Kanouse" in the "Prohibition" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Kanouse" in the "Prohibition" column.

Mr. DIBBLE. I now offer ballot No. 15, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 186, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Rosborough" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 47, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justice of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justice of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 52, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justice of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justice of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 84, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justice of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justice of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 102, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there are two crosses in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 204, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title, "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 113, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. DIBBLE. I now offer ballot No. 180, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. DIBBLE. I now offer ballot No. 155, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Braunhart" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Braunhart" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the Political Code of the State of California, directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 5, 202, 26, 74, 76, 179, 182, 154, 97, 62, 135, 129, 55, 111, 124, 15, 186, 47, 52, 84, 102, 204, 113, 180, and 155, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

Thereupon, the seventh precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket." The offer is objected to on the ground that it is irrelevant, and that it is not responsive to any issue raised between the parties to this contest and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 130 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant has no objection.

I now offer 29 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 9 ballots numbered 65, 142, 120, 79, 158, 93, 123, 107, and 99, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" on any of said ballots.

Mr. DIBBLE. On ballot 158 there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. On ballot 79 there is a cross after the title "Justices of the peace" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Democratic" column.

Mr. DIBBLE. I now offer 4 ballots numbered 41, 89, 153, and 188, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that on any of said ballots the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 66, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 80, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the column marked "Blank column."

Mr. TEVLIN. Contestee denies that there is a cross in the column marked "Blank column."

Mr. DIBBLE. I now offer ballot No. 160, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Bunkers" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Bunkers" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 169, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 115, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 75, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 15, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 63, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 118, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Richards" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Richards" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 91, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and



upon which there are two crosses in the voting square after the name "Holcomb" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Holcomb" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 147, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Siskron" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Siskron" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 156, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a lead-pencil erasure after the name "Brower" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is a lead-pencil erasure after the name "Brower" in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 87, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the Political Code of the State of California, directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 65, 142, 120, 79, 153, 93, 123, 107, 99, 41, 89, 153, 188, 66, 80, 160, 169, 115, 75, 15, 63, 118, 91, 147, 156, and 87, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California.

Said illegalities are described in the various offers.

Thereupon the eighth precinct of the Thirty-first assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket." The offer is objected to on the ground that it is irrelevant and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 83 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 44 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 9 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 34, 78, and 105, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, numbered 123, 121, 62, and 77, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. I now offer 3 ballots, numbered 143, 108, and 36, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been

voted for superintendent of public schools in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column, and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 69, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot 154, upon which the name Edward J. Livernash has been voted for Representative in Congress, and upon which there are two crosses in the voting square after the name "Siskron" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Siskron" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot 103, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an attempted erasure after the word "No," opposite "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is an attempted erasure after the word "No," opposite "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 15, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an attempted erasure after the name "Dunn," in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an attempted erasure after the name "Dunn," in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 86, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Bunkers," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Bunkers," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 118, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Dunne," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Dunne," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 40, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Rowell," in the "Prohibition" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Rowell," in the "Prohibition" column.

Mr. DIBBLE. I now offer ballot No. 151, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 8, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 61, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. DIBBLE. I now offer ballot No. 72, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and

upon which there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. DIBBLE. I now offer ballot No. 160, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Bunkers," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Bunkers," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 120, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Langdon" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Langdon" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct, upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the Political Code of the State of California directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 34, 78, 105, 123, 121, 62, 77, 143, 108, 36, 69, 154, 103, 15, 86, 118, 40, 151, 8, 61, 72, 160, and 120, and claims that they should not be counted.

Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

Thereupon the ninth precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket."

The offer is objected to on the ground that it is irrelevant, and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 88 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 37 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district. (This offer includes ballot No. 150, rejected by the election board.)

I now offer 11 ballots, numbered 61, 66, 138, 149, 37, 34, 18, 25, 4, 70, and 22, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 115, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 5."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 5."

Mr. DIBBLE. I now offer ballot No. 108, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an ink blot opposite "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is an ink blot after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 35, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 7."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 7."



Mr. DIBBLE. I now offer ballot No. 105, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 74, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in a manner not authorized by law.

Mr. DIBBLE. I now offer ballot No. 8, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 3, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column, and a cross in the wrong square after "Amendment No. 5."

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column, and also denies that there is a cross in the wrong square after "Amendment No. 5."

Mr. DIBBLE. I now offer ballot No. 79, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Holcomb" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Holcomb" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 19, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "O'Donnell" in the "Independent" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "O'Donnell" in the "Independent" column.

Mr. DIBBLE. I now offer ballot No. 17, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 128, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Kent" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Kent" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct, upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the "Political Code" of the State of California directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 61, 66, 138, 149, 37, 34, 18, 25, 4, 70, 22, 115, 108, 35, 105, 74, 8, 3, 79, 17, and 128, and claims that they should not be counted.

Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

It is stipulated and agreed that a recess be now taken until this afternoon at 2 o'clock.

#### AFTERNOON SESSION.

Pursuant to the adjournment by stipulation of the morning session, the examination was resumed at the office of the registrar of voters, in room 9 of the new city hall, of the city and county of San Francisco, at the hour of 2.15 o'clock p. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

54. Q. Will you produce the packages containing the ballots of the tenth, eleventh, twelfth, and thirteenth precincts of the Thirty-first assembly district?—A. Yes, sir; they are here.

55. Will you examine the seals and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon the tenth precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister," in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister," in the column marked "Union Labor ticket."

The offer is objected to on the ground that it is irrelevant, and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 118 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 68 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district. (This offer includes one ballot upon the reverse of which is indorsed the following: "Some voter got two ballots instead of one, which accounts for this coming out of the ballot box.")

I now offer ballot No. 51, upon which both the names Kahn and Costley have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 72, upon which both the names Livernash and Costley have been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots, numbered 87, 115, 99, 102, 217, 55, 198, and 189, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the Democratic column and also in the Union Labor column on any of said ballots.

Mr. DIBBLE. I now offer 2 ballots, numbered 137 and 167, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name William H. Langdon has been voted for superintendent of public schools in the Democratic column and also in the Union Labor column.

Mr. TEVLIN. Contestee denies that the name William H. Langdon has been voted for superintendent of public schools in the Democratic column, and also in the Union Labor column on either of said ballots.

Mr. DIBBLE. I now offer ballot No. 35, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name H. Bunkers has been voted for senator, Eighteenth senatorial district, in the Democratic column and also in the Union Labor column.

Mr. TEVLIN. Contestee denies that the name H. Bunkers has been voted for senator, Eighteenth senatorial district, in the Democratic column and also in the Union Labor column.

Mr. DIBBLE. I now offer ballot No. 33, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name Beatty, in the Republican column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name Beatty, in the Republican column.

Mr. DIBBLE. I now offer ballot No. 177, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the Union Labor column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the Union Labor column.

Mr. DIBBLE. I now offer ballot No. 47, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and

upon which there are two crosses in the voting square after the name Wilson, in the Democratic column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name Wilson, in the Democratic column.

Mr. DIBBLE. I now offer ballot No. 108, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 145, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 163, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is a blot in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 107, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Costley" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Costley" in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 136, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 118, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Kirk" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Kirk" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 77, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 81, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 7, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the upper margin of the ballot.

Mr. TEVLIN. Contestee denies that there are two crosses in the upper margin of the ballot.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct, upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the Political Code of the State of California directing the form of ballot to be used in elections within the State of California. Contestant objects to ballots numbered 51, 72, 87, 115, 99, 102, 217, 55, 198, 189, 137, 167, 35, 33, 177, 47, 108, 145, 163, 107, 136, 118, 77, 81, and 7, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

Thereupon the eleventh precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names John Heenan and Henry B. Lister in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct



there is no line separating the voting spaces allowed to the names John Heenan and Henry B. Lister in the column marked "Union Labor ticket."

The offer is objected to upon the ground that it is irrelevant and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegations contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 111 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 75 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 25 and 14, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, numbered 137, 38, 146, 142, 154, and 1, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 57, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot 57 there are two crosses in the voting square after the name "Hunt" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Hunt" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 30, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Charles Siskron" has been voted for member of assembly, Thirty-first assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Charles Siskron" has been voted for member of assembly, Thirty-first assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 45, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 126, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Hunt" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Hunt" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 86, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Turner" in the "Prohibition" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Turner" in the "Prohibition" column.

Mr. DIBBLE. I now offer ballot No. 29, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Pardee" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is a cross after the name "Pardee" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 204, upon which the name Edward J. Livernash

has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 211, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 198, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "McGregor" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "McGregor" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 101, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Jenks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Jenks" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 141, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross not within the voting square in the column marked "Socialist ticket."

Mr. TEVLIN. Contestee denies that there is a cross not within the voting square in the column marked "Socialist ticket."

Mr. DIBBLE. I now offer ballot No. 159, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 194, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in lead pencil.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in lead pencil.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct, upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the Political Code of the State of California, directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 25, 14, 127, 38, 146, 142, 154, 1, 57, 30, 45, 126, 86, 29, 204, 211, 198, 101, 141, 159, and 194, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. Said illegalities are described in the various offers.

Thereupon the twelfth precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in said precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket." The offer is objected to upon the ground that it is irrelevant, and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 104 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 81 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 172 and 114, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 9 ballots, numbered 204, 48, 49, 7, 54, 89, 95, 162, and 157, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 75, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Republican" column and a pencil erasure on the same title.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Republican" column, and also denies that there is a pencil erasure on the same title.

Mr. DIBBLE. I now offer ballot No. 43, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong squares after "Amendments 3, 5, 6, and 7."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong squares after "Amendments 3, 5, 6, and 7."

Mr. DIBBLE. I now offer ballot No. 57, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 2."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 2."

Mr. DIBBLE. I now offer ballot No. 208, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Wheeler" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Wheeler" in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 190, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Braunhart" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Braunhart" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 4, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 81, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 55, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a pencil erasure after the name "Costley" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is a pencil erasure after the name "Costley" in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 72, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.



Mr. DIBBLE. I now offer ballot No. 94, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 134, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 175, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column, one of which is made with a pencil.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column, one of which is made with a pencil.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct, upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the Political Code of the State of California directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 172, 114, 204, 48, 49, 7, 54, 89, 95, 162, 157, 75, 43, 57, 208, 190, 4, 81, 55, 72, 94, 134, and 175, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the thirteenth precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister," in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister," in the column marked "Union Labor ticket." The offer is objected to upon the ground that it is irrelevant, and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 91 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 100 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 149, 130, and 88, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 52, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 10, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are a number of crosses not within voting squares in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that there are a number of crosses not within voting squares in the column marked "Union Labor ticket."

Mr. DIBBLE. I now offer ballot No. 200, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Webb" in the "Republican" column, and upon which there are two crosses in the voting square after the name "Pardee" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Webb" in the "Republican" column, and also denies that there are two crosses in the voting square after the name "Pardee" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 65, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 4."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 4."

Mr. DIBBLE. I now offer ballot No. 58, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which, in the column marked "Blank column," is written in the name "Henry T. Gage," followed by a cross.

Mr. TEVLIN. Contestee denies that in the column marked "Blank column" is written in the name "Henry T. Gage," followed by a cross.

Mr. DIBBLE. I now offer ballot No. 157, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Fritz" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Fritz" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 195, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Farnsworth," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Farnsworth," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 104, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column, one of which is in lead pencil.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column, one of which is in lead pencil.

Mr. DIBBLE. I now offer ballot No. 84, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 4."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 4."

Mr. DIBBLE. I now offer ballot No. 121, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 8."

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct, upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the political code of the State of California directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 149, 130, 88, 52, 10, 200, 65, 58, 157, 195, 104, 84, and 121, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that an adjournment be now taken until to-morrow, Saturday, February 21, 1903, at the hour of 9.30 a. m., at room 9, city hall, San Francisco.

SATURDAY, February 21, 1903.

Pursuant to the adjournment by stipulation, the examination was resumed this 21st day of February, 1903, at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 9.30 o'clock a. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By OLIVER DIBBLE:

56 Q. Will you produce the packages containing the ballots of the fourteenth, fifteenth, sixteenth, and seventeenth precincts of the Thirty-first assembly district?—A. Yes, sir; they are here.

57 Q. Will you examine the seals and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon the fourteenth precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed for the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed for the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket." The offer is objected to upon the ground that it is irrelevant, and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 119 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 60 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 9 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 19, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 40 and 72, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, numbered 150, 60, 14, 114, 2, and 92, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. I now offer 2 ballots, numbered 179 and 208, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that on either of said ballots the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 185, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 199, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Rosborough" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Rosborough" in the "Democratic" column.



Mr. DIBBLE. I now offer ballot No. 205, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Livernash," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 190, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional District, and upon which there were two crosses in the voting square after the name "Carroll" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Carroll" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 75, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Van Nostrand" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Van Nostrand" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 30, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Siskron" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Siskron" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 86, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 68, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lister" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lister" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 131, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Gallagher" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Gallagher" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the Political Code of the State of California, directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 19, 40, 72, 150, 60, 14, 114, 2, 92, 179, 208, 185, 199, 205, 190, 75, 30, 86, 68, and 131, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the fifteenth precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket." The offer is objected to upon the ground that it is irrelevant, and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 102 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 64 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 121, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 98, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 78, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 50, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 164, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Woodman," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Woodman," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 161, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Siskron," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Siskron" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 57, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Carroll," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Carroll," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 21, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Costley," in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Costley," in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 30, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure opposite the name "Cook," in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure opposite the name "Cook" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 105, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Union Labor" column, and upon which there is an erasure after the name "Edward J. Livernash" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Edward J. Livernash," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 94, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Harkness," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Harkness," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 91, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 4."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 4."

Mr. DIBBLE. I now offer ballot No. 115, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Alford," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Alford" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct, upon the ground that none of the ballots in the precincts conform to the mandatory provisions of the Political Code of the State of California, directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 121, 98, 78, 50, 164, 161, 57, 21, 30, 105, 94, 91, and 115, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State or California. The illegalities are described in the various offers.

Thereupon the sixteenth precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket." The offer is objected to upon the ground that it is irrelevant, and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 105 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 68 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 107, upon which both the names Costley and Kahn have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 112, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots, numbered 152, 24, 52, 2, 17, 122, 33, and 141, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the Democratic column and also in the Union Labor column on any of said ballots.

Mr. DIBBLE. I now offer 3 ballots, numbered 4, 11, and 158, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the Democratic column, and also in the Union Labor column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the Democratic column and also in the Union Labor column, on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 54, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 99, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendments 8 and 9."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong squares after "Amendments 8 and 9."



Mr. DIBBLE. I now offer ballot No. 117, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Brooks," in the Democratic column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Brooks," in the Democratic column.

Mr. DIBBLE. I now offer ballot No. 28, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 2."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 2."

Mr. DIBBLE. I now offer ballot No. 55, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Bunkers" in the Democratic column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Bunkers" in the Democratic column.

Mr. DIBBLE. I now offer ballot No. 157, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 109, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the Union Labor column, and upon which there is an erasure after the name "Livernash" in the Democratic column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Livernash" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 58, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Dunne," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 82, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Gett," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Gett," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 137, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a lead-pencil erasure after "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there is a lead-pencil erasure after "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 42, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 70 and 106, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon each of which there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that on either of said ballots there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct, upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the political code of the State of California, directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 112, 152, 24, 52, 2, 17, 122, 33, 141, 4, 11, 58, 54, 99, 117, 28, 55, 157, 109, 158, 82, 137, 42, 70, and 106, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the seventeenth precinct of the Thirty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister," in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister," in the column marked "Union Labor ticket." The offer is objected to upon the ground that it is irrelevant, and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 111 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district to which contestant makes no objection.

I now offer 81 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 14 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, numbered 123, 65, 13, and 111, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot 123 there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 43 and 205, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that on either of said ballots the name "A. B. Lawson" has been voted for justice of the peace in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot 43 there is an erasure after "Amendment No. 4."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 4."

Mr. DIBBLE. On ballot 205 there is an erasure after the name "Colgan" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Colgan" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 192, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Heenan" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Heenan" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 169, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendments 8 and 9."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendments 8 and 9."

Mr. DIBBLE. I now offer ballot No. 142, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross and an erasure after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross and an erasure after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 120, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are crosses in the wrong squares after "Amendments 3, 6, 8, and 9."

Mr. TEVLIN. Contestee denies that there are crosses in the wrong squares after "Amendments 3, 6, 8, and 9."

Mr. DIBBLE. I now offer ballot No. 132, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district,

and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 207, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 25, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 145, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 33, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 149, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct, upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the Political Code of the State of California, directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 123, 65, 13, 111, 43, 205, 192, 169, 142, 120, 132, 207, 25, 145, 33, and 149, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that a recess be now taken until this afternoon at 2 o'clock.

#### AFTERNOON SESSION.

Pursuant to the adjournment by stipulation of the morning session, the examination was resumed at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 2 o'clock p. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

58. Q. Will you produce the packages containing the ballots of the eighteenth precinct of the Thirty-first assembly district and the second and third precincts of the Forty-first assembly district?—A. Yes, sir; they are here.

59. Q. Will you examine the seals and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon, the eighteenth precinct of the Thirty-first assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that on each and all of the ballots in this precinct there is no line separating the voting spaces allowed to the names "John Heenan" and "Henry B. Lister" in the column marked "Union Labor ticket." The offer is



objected to upon the ground that it is irrelevant, and that it is not responsive to any issue raised between the parties to this contest, and that it is not responsive to any allegation contained in the notice of contest in this proceeding.

Mr. DIBBLE. I now offer 84 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 41 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 10 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 70, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots, numbered 90, 89, 17, 154, 49, 150, and 144, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 113, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 22, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Fritz" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Fritz" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 102, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 153, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Union Labor" column, and upon which there is an erasure after the name "Livernash" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Livernash" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 100, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Union Labor" column, and upon which there is an erasure after the name "Livernash" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Livernash" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 6, upon which there is a cross in front of the name "Edward J. Livernash."

Mr. TEVLIN. Contestee denies that there is a cross in front of the name "Edward J. Livernash."

Mr. DIBBLE. I now offer ballot No. 25, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 126, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Burton" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Burton" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 108, upon which the name Edward J. Livernash

nash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross on the line between the names "Lawson" and "Bunkers" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross on the line between the names "Lawson" and "Bunkers" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 36, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 129, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 1, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the upper left-hand corner of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the upper left-hand corner of the ballot.

Mr. DIBBLE. Contestant objects to the counting of any of the ballots in this precinct, upon the ground that none of the ballots in the precinct conform to the mandatory provisions of the Political Code of the State of California, directing the form of ballot to be used in elections within the State of California.

Contestant objects to ballots numbered 70, 90, 89, 17, 154, 49, 150, 144, 113, 22, 102, 153, 100, 6, 25, 126, 108, 36, 129, and 1, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the second precinct of the Forty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 84 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 88 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 83 and 164, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, numbered 64, 104, 8, and 89, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. On ballot 64 there are two crosses in the voting square after the name "Delaney" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Delaney" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 125, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 26, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 27, upon which the name Edward J. Livernash

has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 5, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Baggett" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Baggett" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 83, 164, 64, 104, 8, 89, 125, 26, 27, and 5, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the third precinct of the Forty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 100 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 89 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 172, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, numbered 98, 112, 2, and 11, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. I now offer 2 ballots, numbered 20 and 94, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column on either of said ballots.

Mr. DIBBLE. I now offer ballot No. 97, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "A. B. Lawson" has been voted for "Justice of the peace" in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "A. B. Lawson" has been voted for "Justice of the peace" in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 140, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure in front of the name "Seifert" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure in front of the name "Seifert" in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 49, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the word "No" is written in lead pencil opposite "Amendment No. 8."

Mr. TEVLIN. Contestee denies that the word "No" is written in lead pencil opposite "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 119, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 8, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 1."



Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 101, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in front of the name "Webb" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in front of the name "Webb" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 118, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 207, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are three crosses in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there are three crosses in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 38, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Costley" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Costley" in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 63, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Fritz" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Fritz" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 80, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Harkness" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Harkness" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 24, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Hebbard" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Hebbard" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 66, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Daniels," in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Daniels," in the "Republican" column.

Mr. DIBBLE. Contestant objects to ballots numbered 172, 98, 112, 2, 11, 20, 94, 97, 140, 49, 119, 8, 101, 118, 207, 38, 63, 80, 24, and 66, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that an adjournment be now taken until Tuesday, February 24, 1903, at the hour of 9.30 a. m., at room 9, city hall, San Francisco.

TUESDAY, February 24, 1903.

Pursuant to the adjournment by stipulation, the examination was resumed this 24th day of February, 1903, at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 9.30 o'clock a. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

60. Q. Will you produce the packages containing the ballots of the fifth, sixth, and fifteenth precincts of the Forty-first assembly district, and the seventh and twenty-first precincts of the Forty-second assembly district?—A. Yes, sir; they are here.

61. Q. Will you examine the seals, and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon the fifth precinct of the Forty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 94 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 66 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 91 and 14, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 127, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 170, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Koch" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Koch" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 52, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Sullivan" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Sullivan" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 1, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there are two crosses after "Amendment No. 3."

Mr. DIBBLE. I now offer 2 ballots, numbered 122 and 41, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 152, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 76, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 177, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the column marked "Constitutional amendments."

Mr. TEVLIN. Contestee denies that there is a blot in the column marked "Constitutional amendments."

Mr. DIBBLE. I now offer ballot No. 131, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district,

and upon which there is an erasure after the name "Lawson" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Lawson" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 50, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 3."

Mr. DIBBLE. Contestant objects to ballots numbered 91, 14, 127, 170, 52, 1, 122, 41, 152, 76, 177, 131, and 50, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon, the sixth precinct of the Forty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 73 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 76 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 97 and 43, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 42, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 183 and 99, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column. (Ballot No. 183 was torn vertically during the recount.)

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column, on either of said ballots.

Mr. DIBBLE. I now offer ballot No. 120, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 25, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "White" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "White" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 29, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 23, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 105, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the right-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 119, upon which the name Edward J. Livernash



nash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 1."

Mr. DIBBLE. Contestant objects to ballots numbered 97, 43, 42, 183, 99, 120, 25, 29, 23, 105, and 119, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon, the fifteenth precinct of the Forty-first assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 83 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 68 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot upon which the name Irving M. Scott has been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, numbered 127, 43, 29, 133, and 126, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. On ballot 127 there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 166, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 120, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William Delaney" has been voted for member of assembly, Forty-first assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William Delaney" has been voted for member of assembly, Forty-first assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 5, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lindsay" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lindsay" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 46, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the names "Cook" and "Long" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the names "Cook" and "Long" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 57, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross made in a manner not authorized by law, after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross made in a manner not authorized by law after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 99, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Sullivan" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Sullivan" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 60, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lawson" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lawson" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 153, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and upon which there is an erasure after the name "Livernash" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 177, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lawson" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lawson" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 165, upon which there is a cross after the name "Livernash," not in the voting square, in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the name "Livernash," not in the voting square, in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 44, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 4, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Livernash," in the "Union labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 127, 43, 29, 133, 126, 166, 120, 5, 46, 57, 99, 60, 153, 177, 165, 44, and 4, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the seventh precinct of the Forty-second assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 66 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 73 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 8 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 27, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 6 ballots, numbered 165, 123, 70, 82, 111, and 13, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 151, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 166, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an attempted erasure after "Amendment No. 4."

Mr. TEVLIN. Contestee denies that there is an attempted erasure after "Amendment No. 4."

Mr. DIBBLE. I now offer ballot No. 107, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the left-hand margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the left-hand margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 77, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and upon which there is an erasure after the name "Livernash," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Livernash," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 159, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses after "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there are two crosses after "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 104, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lawson" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lawson" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 76, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Brooks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Brooks" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 41, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the lower right-hand corner of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the lower right-hand corner of the ballot.

Mr. DIBBLE. I now offer ballot No. 24, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 6."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 6."

Mr. DIBBLE. I now offer ballot No. 150, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Woods" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Woods" in the "Republican" column.

Mr. DIBBLE. Contestant objects to ballots numbered 27, 165, 123, 70, 82, 111, 13, 151, 166, 107, 77, 159, 104, 76, 41, 24, and 150, and claims that said ballots should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegatities are described in the various offers.

Thereupon, the twenty-first precinct of the Forty-second assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.



Mr. DIBBLE. I now offer 85 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection. (This offer includes ballot No. 32, which is torn vertically.)

I now offer 84 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name Porter Ashe has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 169, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 47, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 140 and 86, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William R. Stone" has been voted for member of assembly, forty-second assembly district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that upon either of said ballots the name "William R. Stone" has been voted for member of assembly, forty-second assembly district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 184, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judge of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 107, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 104, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the column marked "Prohibition ticket."

Mr. TEVLIN. Contestee denies that there is a blot in the column marked "Prohibition ticket."

Mr. DIBBLE. I now offer ballot No. 74, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong squares after "Amendments 3, 4, 5, and 9."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong squares after "Amendments 3, 4, 5, and 9."

Mr. DIBBLE. I now offer ballot No. 37, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 81, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and upon which there is an erasure after the name "Livernash" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 36, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 12, upon which the name Edward J. Livernash

has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Farnsworth," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Farnsworth" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 169, 47, 140, 86, 184, 107, 104, 74, 37, 81, 36, and 12, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that a recess be now taken until this afternoon at 2 o'clock.

#### AFTERNOON SESSION.

Pursuant to the adjournment by stipulation of the morning session, the examination was resumed at the office of the registrar of voters, in room 9 of the city hall, of the city and county of San Francisco, at the hour of 2 o'clock p. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

62. Q. Will you produce the packages containing the ballots of the second and sixth precincts of the Forty-fourth assembly district and the first and second precincts of the Forty-fifth assembly district?—A. Yes, sir; they are here.

63. Q. Will you examine the seals and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon the second precinct of the Forty-fourth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 75 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 53 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 13 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 18, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, numbered 153, 34, 74, and 66, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Edward J. Livernash" has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. On ballot 34 there are two crosses in the voting square after the name "Gett," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Gett," in the "Democratic" column.

Mr. DIBBLE. I now offer 3 ballots, numbered 104, 7, and 36, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. On ballot No. 104 there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. On ballot 7 there are two crosses in the voting square after the name "Fritz" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Fritz" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 39, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "A. B. Lawson" has been voted for "Justice of the peace" in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "A. B. Lawson" has been voted for "Justice of the peace" in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 72, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the upper margin of the ballot.

Mr. TEVLIN. Contestee denies that there is a cross in the upper margin of the ballot.

Mr. DIBBLE. I now offer ballot No. 159, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Brown," in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Brown," in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 89, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 47, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendments 8 and 9."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendments 8 and 9."

Mr. DIBBLE. I now offer ballot No. 94, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 49, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 48, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Lane" in the "Democratic" column, and two crosses in the voting square after the name "Livernash" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Lane" in the "Democratic" column, and also denies that there are two crosses in the voting square after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 78, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Fritz" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Fritz" in the "Democratic" column.

Mr. DIBBLE. I now offer two ballots, numbered 3 and 51, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that upon either of said ballots there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 18, 153, 34, 74, 66, 104, 7, 36, 39, 72, 159, 89, 47, 94, 49, 48, 78, 3, and 51, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.



Thereupon the sixth precinct of the Forty-fourth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 74 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 85 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 13 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 16, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 59 and 180, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 142, 52, and 144, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Edward J. Livernash" has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 54, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 113, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 106, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 137, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a pencil erasure after "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there is a pencil erasure after "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 100, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and upon which there is an erasure after the name "Livernash" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 203, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Dr. C. C. Oddonel" is written in the "Blank column" in lead pencil, and upon which the name "C. C. O'Donnell" is printed in the "Independent column" as a candidate for railroad commissioner.

Mr. TEVLIN. Contestee denies that the name "Dr. C. C. Oddonel" is written in the "Blank column" in lead pencil, and denies that the name "C. C. O'Donnell" is printed in the "Independent column" as a candidate for railroad commissioner.

Mr. DIBBLE. I now offer ballot No. 169, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Fritz" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Fritz" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 187, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 57, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane," in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 61, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Kugler" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Kugler" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 133, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Harkness" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Harkness" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 119, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Pardee" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Pardee" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 97, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Harkness" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Harkness" in the "Democratic" column.

Mr. DIBBLE. I further offer that on ballot No. 97 there are two crosses in the voting square after the name "Lindsay" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lindsay" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 134, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 81, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 36, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are three crosses in the lower right-hand corner of the ballot.

Mr. TEVLIN. Contestee denies that there are three crosses in the lower right-hand corner of the ballot.

Mr. DIBBLE. I now offer ballot No. 138, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Langdon" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Langdon" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 8, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lindsay" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lindsay" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 194, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 12, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 124, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lister" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lister" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 16, 59, 180, 142, 52, 154, 54, 113, 106, 137, 100, 203, 169, 187, 57, 61, 133, 119, 97, 134, 81, 36, 138, 8, 194, 12, and 124, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the first precinct of the Forty-fifth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 118 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection. (This offer includes ballot No. 142, which is torn in the right margin and pinned together.)

I now offer 73 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 9 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, numbered 164, 60, 119, 35, and 131, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 195, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 22, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is a blot in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 40, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Law" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Law" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 160, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Lawson" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Lawson" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 193, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district,



and upon which there is an erasure after the name "Farnsworth" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Farnsworth" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 68, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 21, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 30, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 140, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 209, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 174, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Langdon" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Langdon" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 189, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the "Independent" column.

Mr. TEVLIN. Contestee denies that there is a blot in the "Independent" column.

Mr. DIBBLE. I now offer ballot No. 38, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lane" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 173, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 4."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 4."

Mr. DIBBLE. I now offer ballot No. 111, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Reeves" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Reeves" in the "Republican" column.

Mr. DIBBLE. Contestant objects to ballots numbered 164, 60, 119, 35, 131, 195, 22, 40, 160, 193, 68, 21, 30, 140, 209, 174, 189, 38, 173, and 111, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the second precinct of the Forty-fifth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 99 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 55 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 162, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 10 ballots, numbered 165, 66, 101, 44, 5, 114, 132, 4, 122, and 123, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. On ballot 44 there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 38, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 155, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 92, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Hunt" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Hunt" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 96, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a pencil erasure after the name "Langdon" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a pencil erasure after the name "Langdon" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 115, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Shannon" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Shannon" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 126, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 139, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blue pencil mark about half an inch long in front of the name "Alford" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a blue pencil mark about half an inch long in front of the name "Alford" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 131, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Sganzi" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Sganzi" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 174, upon which the name Edward J. Livernash

has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong squares after "Amendments 1 to 9," inclusive.

Mr. TEVLIN. Contestee denies that there is a cross in the wrong squares after "Amendments 1 to 9" inclusive.

Mr. DIBBLE. I now offer 3 ballots, numbered 166, 127, and 97, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon each of which there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 187, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 98, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court," in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 162, 165, 66, 101, 44, 5, 114, 132, 4, 122, 123, 38, 155, 92, 96, 115, 126, 139, 131, 174, 166, 127, 97, 187, and 98, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that an adjournment be now taken until to-morrow, Wednesday, February 25, 1903, at the hour of 9.30 a. m., at room 9, city hall, San Francisco.

*WEDNESDAY, February 25, 1903.*

Pursuant to the adjournment by stipulation, the examination was resumed this 25th day of February, 1903, at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 9.30 o'clock a. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

64. Q. Will you produce the packages containing the ballots of the fourth, seventh, eighth, and tenth precincts of the Forty-fifth assembly district?—A. Yes, sir; they are here.

65. Q. Will you examine the seals and tell me if they are intact?—A. Yes, sir; they are all intact.

J. H. ZEMANSKY.

Thereupon the fourth precinct of the Forty-fifth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 77 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 91 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 1 ballot, upon which the name Joseph Rowell has been voted for Representative in Congress, Fourth Congressional district.

I now offer 17 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 97 and 136, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 53, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 7 ballots, numbered 158, 137, 124, 195, 64, 43, and 7, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth



Congressional district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, on the "Democratic" column, and also in the "Union Labor" column, on any of said ballots.

Mr. DIBBLE. On ballot 7 there is a cross after the title "Judges of the superior court," in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 51, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "Sganzini" has been voted for member of assembly, Forty-fifth assembly district, in the "Democratic" column, and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "Sganzini" has been voted for member of assembly, Forty-fifth assembly district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 135, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Brown" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Brown" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 89, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 113, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 36, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in lead pencil.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in lead pencil.

Mr. DIBBLE. I now offer ballot No. 159, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Dunne" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 11, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 8."

Mr. DIBBLE. I now offer ballot No. 59, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Jenks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Jenks" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 121, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column, and upon which there is an erasure after the name "Livernash" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column, and also denies that there is an erasure after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 79, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and

upon which there are two crosses in the voting square after the name "Shannon" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Shannon" in the "Republican" column.

Mr. DIBBLE. Contestant objects to ballots numbered 97, 136, 53, 158, 137, 124, 195, 64, 43, 7, 51, 135, 89, 113, 36, 159, 11, 59, 121, and 79, and claims that said ballots should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the seventh precinct of the Forty-fifth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 88 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 99 ballots upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 10 ballots upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 119 and 17, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, numbered 155, 39, 44, 131, and 205, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column on any of said ballots.

Mr. DIBBLE. I now offer ballot No. 153, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 40, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Lindsay" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Lindsay" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 30, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Hunt" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Hunt" in the "Republican" column.

Mr. DIBBLE. I now offer ballot No. 185, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendments 7 and 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendments 7 and 8."

Mr. DIBBLE. I now offer ballot No. 16, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Justices of the peace" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Justices of the peace" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 160, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Costley" in the "Socialist" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Costley" in the "Socialist" column.

Mr. DIBBLE. I now offer ballot No. 60, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 31, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 3."

Mr. DIBBLE. I now offer ballot No. 76, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the names "Lawson," "McGregor," and "Mueller," in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the names "Lawson," "McGregor," and "Mueller" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 183, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 90, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and upon which there is an erasure after the name "Livernash" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 136, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after the name "Sganzi" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Sganzi" in the "Union Labor" column.

Mr. DIBBLE. Contestant objects to ballots numbered 119, 17, 155, 39, 44, 131, 205, 153, 40, 30, 185, 16, 160, 60, 31, 76, 183, 90, and 136, and claims that said ballots should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the eighth precinct of the Forty-fifth assembly district was opened by the deputy registrar of voters, and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 90 ballots, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 80 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 4 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 12 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 44, upon which both the names Rowell and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer ballot No. 78, upon which both the names Costley and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 5 ballots, numbered 27, 108, 203, 141, and 151, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. On ballot 151 there are two crosses in the voting square after "Amendment No. 4."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 4."



Mr. DIBBLE. I now offer ballot No. 142, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name "William H. Langdon" has been voted for superintendent of public schools in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 208, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting squares after the names "Wilson" and "Lindsay" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting squares after the names "Wilson" and "Lindsay" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 116, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Law" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Law" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 170, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendments 5 and 8."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendments 5 and 8."

Mr. DIBBLE. I now offer ballot No. 132, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 136, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are three crosses in the voting square after the name "Alford" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are three crosses in the voting square after the name "Livernash" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 172, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Kent" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Kent" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 9, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Trask" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Trask" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 14, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Harkness" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Harkness" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 213, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the column marked "Union Labor ticket."

Mr. TEVLIN. Contestee denies that there is a blot in the column marked "Union Labor ticket."

Mr. DIBBLE. I now offer ballot No. 8, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 3."

Mr. DIBBLE. On ballot No. 8, there are two crosses in the voting square after the name "Wilson" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Wilson" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 82, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Jenks" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Jenks" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 56, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "White" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "White" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 5, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 20, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 17, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Rosborough" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Rosborough" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 13, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 2."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 2."

Mr. DIBBLE. I now offer ballot No. 135, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "McGregor" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 51, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is an erasure after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there is an erasure after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 40, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Harkness" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Harkness" in the "Democratic" column.

Mr. DIBBLE. Contestant objects to ballots numbered 44, 78, 27, 108, 203, 141, 107, 142, 208, 116, 170, 132, 136, 172, 9, 14, 213, 8, 82, 56, 5, 20, 17, 13, 135, 151, and 40, and claims that they should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

Thereupon the tenth precinct of the Forty-fifth assembly district was opened by the deputy registrar of voters and a recount of the ballots cast in that precinct was begun.

Mr. DIBBLE. I now offer 82 ballots upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, to which contestant makes no objection.

I now offer 87 ballots, upon which the name Julius Kahn has been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, upon which the name William Costley has been voted for Representative in Congress, Fourth Congressional district.

I now offer 9 ballots, upon which there is no vote recorded for Representative in Congress, Fourth Congressional district.

I now offer 2 ballots, numbered 29 and 25, upon which both the names Kahn and Livernash have been voted for Representative in Congress, Fourth Congressional district.

I now offer 3 ballots, numbered 107, 106, and 174, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column and also in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 118, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Andrew" in the "Republican" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Andrew" in the "Republican" column.

Mr. DIBBLE. I now offer 2 ballots, numbered 77 and 139, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon each of which there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that upon either of said ballots there is a cross after the title "Judges of the superior court" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 72, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the right-hand margin of the ballot and upon which there is an erasure after "Amendment No. 9."

Mr. TEVLIN. Contestee denies that there is a cross in the right-hand margin of the ballot, and also denies that there is an erasure after "Amendment No. 9."

Mr. DIBBLE. I now offer ballot No. 151, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after the name "Langdon" in the "Democratic" column.

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after the name "Langdon" in the "Democratic" column.

Mr. DIBBLE. I now offer ballot No. 102, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there are two crosses in the voting square after "Amendment No. 1."

Mr. TEVLIN. Contestee denies that there are two crosses in the voting square after "Amendment No. 1."

Mr. DIBBLE. I now offer ballot No. 81, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, in the "Democratic" column, and upon which there is an erasure after the name "Livernash" in the "Union Labor" column.

Mr. TEVLIN. Contestee denies that there is an erasure after the name "Livernash" in the "Union Labor" column.

Mr. DIBBLE. I now offer ballot No. 74, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a blot in the column marked "Socialist ticket."

Mr. TEVLIN. Contestee denies that there is a blot in the column marked "Socialist ticket."

Mr. DIBBLE. I now offer ballot No. 145, upon which the name Edward J. Livernash has been voted for Representative in Congress, Fourth Congressional district, and upon which there is a cross in the wrong square after "Amendment No. 3."

Mr. TEVLIN. Contestee denies that there is a cross in the wrong square after "Amendment No. 3."

Mr. DIBBLE. Contestant objects to ballots numbered 29, 25, 107, 106, 174, 118, 77, 139, 72, 151, 102, 81, 74, and 145, and claims that said ballots should not be counted. Contestant claims that said ballots are illegal and void under the laws and decisions in the State of California. The illegalities are described in the various offers.

It is stipulated and agreed that a recess be now taken until this afternoon at 3.30.



## AFTERNOON SESSION.

Pursuant to the adjournment by stipulation of the morning session, the examination was resumed at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 3.30 o'clock p. m.

Mr. DIBBLE. It appears from an examination of the notice of time and place of taking depositions, which said notice is dated February 5, 1903, that the name of J. H. Zemansky, deputy registrar of voters, of the city and county of San Francisco, State of California, was inadvertently omitted from said notice. Said J. H. Zemansky has been called as a witness by contestant, duly sworn by the notary acting as commissioner under section 110 of the Revised Statutes of the United States, and has testified concerning the condition of the packages containing the ballots of the Fourth Congressional district, and particularly as to certain precincts therein. Will you stipulate, Mr. Tevlin, as attorney for contestee, that the testimony given by said J. H. Zemansky shall be received here with the same force and effect as if his name had been regularly and duly inserted in the said notice, and will you waive all possible objections and exceptions that may or could be made, growing out of the omission of the name of said J. H. Zemansky from said notice?

Mr. TEVLIN. It is so stipulated, and we waive any and all objections that could be made to the omission.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

66. Q. During the recount of the ballots in the Fourth Congressional district you were asked by attorneys for contestant to produce the packages containing the ballots of certain precincts, were you not?—A. Yes, sir.

67. Q. Under their direction you did produce them?—A. Yes, sir; I did.

68. Q. The precincts called for were as follows, were they not: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, and 18 of the Twenty-eighth assembly district; 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the Twenty-ninth assembly district; 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of the Thirtieth assembly district; 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18 of the Thirty-first assembly district; 2, 3, 5, 6, and 15 of the Forty-first assembly district; 7 and 21 of the Forty-second assembly district; 2 and 6 of the Forty-fourth assembly district; 1, 2, 4, 7, 8, and 10 of the Forty-fifth assembly district?—A. Yes, sir.

69. Q. Before the ballots were taken from the packages the seals were examined by you upon each and all of these packages, were they?—A. Yes, sir.

70. Q. And will you state whether or not the seals were intact?—A. They were intact; yes, sir.

71. Q. On all of them?—A. On all of them.

72. Q. The packages produced by you containing the ballots were the same packages that were turned over to the registrar of voters of the city and county of San Francisco by the various election boards of the precincts on the day of election or the day after election on November 4 and November 5, 1902?—A. Yes, sir.

73. Q. So that the ballots recounted here were the identical ballots that were cast at the election?—A. They were.

J. H. ZEMANSKY.

THOMAS J. WALSH, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

19. Q. Mr. Walsh, the ballots that have been recounted in the Fourth Congressional district have been in your official custody at all times since the last election, held in November, 1902?—A. They have; yes, sir.

20. Q. The ballots that have been recounted were the identical ballots cast at the election held November 4, 1902?—A. Yes, sir.

21. Q. Can you and will you produce a certified copy of the official statement of votes polled at the general election held in the city and county of San Francisco, State of California, on Tuesday, the 4th day of November, 1902, for Representative in Congress, Fourth Congressional district?—A. I can and I will. [Producing.]

THOMAS J. WALSH.

Mr. DIBBLE. I offer in evidence a certified copy of the official statement of votes polled at the general election held in the city and county of San Francisco, State of California, on Tuesday, the 4th day of November, A. D. 1902, for Representative in

Congress, Fourth Congressional district, and asked that it be marked as "Contestant's Exhibit E," and be attached to the deposition of Thomas J. Walsh, registrar of voters of the city and county of San Francisco.

(Thereupon the document offered in evidence was marked by the notary "Contestant's Exhibit E.")

Cross-examination by Mr. TEVLIN:

1. X. Q. Mr. Walsh, is this your signature as subscribed to the certificate at the end of this statement of votes?—A. It is my signature; yes, sir.

2. X. Q. Have you compared the figures in what purports to be a copy of the original statement of votes with the original official statement in your office?—A. Yes, sir.

3. X. Q. You have compared all the figures personally?—A. Yes, sir.

4. X. Q. And you say, of your own knowledge, that this is an accurate and full statement of the original official statement of votes?—A. Yes, sir.

THOMAS J. WALSH.

It is stipulated and agreed that an adjournment be now taken until Wednesday, March 4, 1903, at the hour of 9.45 a. m., at room 9, city hall, San Francisco.

CONTESTANT'S EXHIBIT "E."—Jayme W. Hay, notary public in and for the city and county of San Francisco, State of California.

*Official statement of votes polled at the general election held in the city and county of San Francisco, State of California, on Tuesday, the 4th day of November, A. D. 1902, for Representative in Congress, Fourth Congressional district.*

Precincts and assembly districts.	For Representative in Congress, Fourth Congressional district.					Votes polled.
	Julius Kahn, R.	Edw'd J. Livernash, D-U.	William Costley, S.	Joseph Rowell, P.		
Twenty-eighth assembly district:						
First precinct .....	67	115	2	1		202
Second precinct .....	91	120	4			222
Third precinct .....	57	120	5	1		191
Fourth precinct .....	46	86	5			142
Fifth precinct .....	51	105	3			168
Sixth precinct .....	59	115	10	3		194
Seventh precinct .....	36	139	1			191
Eighth precinct .....	67	117	4		1	195
Ninth precinct .....	50	110	5			177
Tenth precinct .....	41	81	2			140
Eleventh precinct .....	63	112	6			190
Twelfth precinct .....	47	74	8			136
Thirteenth precinct .....	42	81	4			140
Fourteenth precinct .....	60	142	8	1		224
Fifteenth precinct .....	50	68	5			130
Sixteenth precinct .....	65	32	3			108
Seventeenth precinct .....	53	94	2			164
Eighteenth precinct .....	55	84	17			157
Total to recapitulation .....	1,000	1,795	94	6	1	3,071
Twenty-ninth assembly district:						
First precinct .....	36	74	6		2	126
Second precinct .....	78	80	4			171
Third precinct .....	88	123	7			225
Fourth precinct .....	77	116	6	3		212
Fifth precinct .....	46	109	11			176
Sixth precinct .....	55	89	5			154
Seventh precinct .....	51	124	6			185
Eighth precinct .....	57	88	7			162
Ninth precinct .....	61	137	4	1		213
Tenth precinct .....	51	133	9			204
Eleventh precinct .....	77	111	7			204

*Official statement of votes polled at the general election held in the city and county of San Francisco, State of California, on Tuesday, the 4th day of November, A. D. 1902, for Representative in Congress, Fourth Congressional district—Continued.*

Precincts and assembly districts.	For Representative in Congress, Fourth Congressional district.				
	Julius Kahn, R.	Edw'd J. Livernash, D-U.	William Costley, S.	Joseph Rowell, P.	Votes polled.
Twenty-ninth assembly district—Cont'd.					
Twelfth precinct .....	53	95	3		158
Thirteenth precinct .....	51	140	4		206
Fourteenth precinct .....	51	150	7		217
Fifteenth precinct .....	44	141	2		192
Sixteenth precinct .....	52	136	5		200
Seventeenth precinct .....	43	133	4	1	189
Eighteenth precinct .....	53	127	1	1	186
Nineteenth precinct .....	35	105	2		149
Twentieth precinct .....	37	115	2		164
Total to recapitulation .....	1,096	2,326	102	6	3,693
Thirtieth assembly district:					
First precinct .....	73	85	9	1	180
Second precinct .....	75	121	3		205
Third precinct .....	99	124	4	1	229
Fourth precinct .....	77	130	5		219
Fifth precinct .....	73	93	4		185
Sixth precinct .....	81	119	4	1	223
Seventh precinct .....	76	119	8	1	217
Eighth precinct .....	67	109	3		186
Ninth precinct .....	83	81	4		173
Tenth precinct .....	84	116	5		213
Eleventh precinct .....	56	171	3		243
Twelfth precinct .....	26	105	8	2	157
Thirteenth precinct .....	57	119	2		185
Fourteenth precinct .....	83	123	3		220
Fifteenth precinct .....	73	115	4		200
Sixteenth precinct .....	49	108	3		168
Seventeenth precinct .....	35	167	2		205
Eighteenth precinct .....	39	132	1		182
Nineteenth precinct .....	44	133	3		186
Twentieth precinct .....	63	147			217
Total to recapitulation .....	1,313	2,417	78	6	3,993
Thirty-first assembly district:					
First precinct .....	46	157	4	1	224
Second precinct .....	63	141	2	2	214
Third precinct .....	52	130	2		191
Fourth precinct .....	58	131	3		200
Fifth precinct .....	46	123			182
Sixth precinct .....	67	126	5		210
Seventh precinct .....	28	156	2		191
Eighth precinct .....	44	103	1	1	163
Ninth precinct .....	37	110			151
Tenth precinct .....	68	141	3		219
Eleventh precinct .....	75	129	4		215
Twelfth precinct .....	80	126	4		215
Thirteenth precinct .....	99	103	1		208
Fourteenth precinct .....	60	135	2		209
Fifteenth precinct .....	64	114	3		185
Sixteenth precinct .....	68	129	8		210
Seventeenth precinct .....	80	127	13		223
Eighteenth precinct .....	41	103	5		161
Total to recapitulation .....	1,076	2,284	62	4	3,571
Fortieth assembly district:					
First precinct .....	143	17	1		162
Second precinct .....	105	50			165
Third precinct .....	166	33	1		203
Fourth precinct .....	154	57			215
Fifth precinct .....	153	28	2		190
Sixth precinct .....	138	60			205



*Official statement of votes polled at the general election held in the city and county of San Francisco, State of California, on Tuesday, the 4th day of November, A. D. 1902, for Representative in Congress, Fourth Congressional district—Continued.*

Precincts and assembly districts.	For Representative in Congress, Fourth Congressional district.					Votes polled.
	Julius Kahn, R.	Edward J. Livernash, D-U.	William Costley, S.	Joseph Rowell, P.		
Fortieth assembly district—Continued.						
Seventh precinct.....	163	48	1			217
Eighth precinct.....	116	74	2			202
Ninth precinct.....	137	61	1			211
Tenth precinct.....	147	25	1			182
Eleventh precinct.....	105	55				160
Twelfth precinct.....	119	39	3			166
Thirteenth precinct.....	103	55		2		165
Fourteenth precinct.....	98	71	2			177
Fifteenth precinct.....	117	51	2			174
Sixteenth precinct.....	147	45				197
Total to recapitulation.....	2,111	769	16	2		2,991
Forty-first assembly district:						
First precinct.....	110	85	3	2		213
Second precinct.....	88	91				185
Third precinct.....	90	118	1			211
Fourth precinct.....	120	84				223
Fifth precinct.....	67	104	2			181
Sixth precinct.....	76	81	4			173
Seventh precinct.....	145	57	1			211
Eighth precinct.....	112	82	6		1	205
Ninth precinct.....	149	29				183
Tenth precinct.....	157	24				187
Eleventh precinct.....	112	93		1		211
Twelfth precinct.....	200	15		1		218
Thirteenth precinct.....	100	82	4	1		197
Fourteenth precinct.....	148	38				193
Fifteenth precinct.....	68	99	6	2	1	185
Total to recapitulation.....	1,742	1,082	27	7	2	2,976
Forty-second assembly district:						
First precinct.....	111	81	3			197
Second precinct.....	96	95	4	1		197
Third precinct.....	78	70	4	1		157
Fourth precinct.....	88	88	5	2		193
Fifth precinct.....	111	83	7			210
Sixth precinct.....	103	65	2			177
Seventh precinct.....	74	82	8	3		169
Eighth precinct.....	77	74	3			156
Ninth precinct.....	110	92	2			213
Tenth precinct.....	82	66	1	1		156
Eleventh precinct.....	106	82	4			197
Twelfth precinct.....	113	52				167
Thirteenth precinct.....	75	63	1	1		144
Fourteenth precinct.....	133	72	1	1		208
Fifteenth precinct.....	121	72	1	1		202
Sixteenth precinct.....	104	65	1	1		181
Seventeenth precinct.....	142	69	2			221
Eighteenth precinct.....	87	64	1	1		162
Nineteenth precinct.....	114	66	2	2		192
Twentieth precinct.....	100	75	3			186
Twenty-first precinct.....	83	96	4			189
Total to recapitulation.....	2,108	1,572	59	14		3,874
Forty-third assembly district:						
First precinct.....	104	84	4			199
Second precinct.....	109	65	3			188
Third precinct.....	99	72	4			180
Fourth precinct.....	104	51	3	2		162
Fifth precinct.....	111	59	3			177
Sixth precinct.....	83	62	3			154

*Official statement of votes polled at the general election held in the city and county of San Francisco, State of California, on Tuesday, the 4th day of November, A. D. 1902, for Representative in Congress, Fourth Congressional District—Continued.*

Precincts and assembly districts.	For Representative in Congress, Fourth Congressional district.					Votes polled.
	Julius Kahn, R.	Edw'd J. Livernash, D-U.	William Costley, S.	Joseph Rowell, P.		
Forty-third assembly district—Cont'd.						
Seventh precinct .....	90	74	2			171
Eighth precinct .....	91	46	2			141
Ninth precinct .....	127	63	5			206
Tenth precinct .....	137	47	1	1		191
Eleventh precinct .....	163	34	2			206
Twelfth precinct .....	116	28	1			154
Thirteenth precinct .....	161	41	1			211
Fourteenth precinct .....	108	62	3	1		179
Fifteenth precinct .....	115	64				186
Sixteenth precinct .....	129	66	2	3		210
Seventeenth precinct .....	121	85	2			217
Eighteenth precinct .....	92	91	5			196
Nineteenth precinct .....	99	81	6			194
Total to recapitulation .....	2,159	1,175	52	7		3,522
Forty-fourth assembly district:						
First precinct .....	82	57	5	1		156
Second precinct .....	58	87	2	1		164
Third precinct .....	86	52	1			145
Fourth precinct .....	63	56	2	1		137
Fifth precinct .....	109	75	5	3		207
Sixth precinct .....	86	97	6			204
Seventh precinct .....	95	59	9			176
Eighth precinct .....	89	81	10	1		192
Ninth precinct .....	90	79	4			186
Tenth precinct .....	95	62	7	1		177
Eleventh precinct .....	142	80	3			231
Twelfth precinct .....	113	58	7			188
Thirteenth precinct .....	123	85	1			219
Fourteenth precinct .....	90	61	7			166
Fifteenth precinct .....	124	72	3	2		203
Sixteenth precinct .....	124	42	1	1		173
Seventeenth precinct .....	100	56	2	1		162
Eighteenth precinct .....	99	46				153
Nineteenth precinct .....	110	58	2			175
Twentieth precinct .....	95	61	3	1		163
Twenty-first precinct .....	68	33	2			103
Total to recapitulation .....	2,041	1,357	82	13		3,680
Forty-fifth assembly district:						
First precinct .....	73	138	1			221
Second precinct .....	55	122	1			187
Third precinct .....	64	57	4			140
Fourth precinct .....	91	93	3	1		209
Fifth precinct .....	87	77	3			190
Sixth precinct .....	84	76	5			183
Seventh precinct .....	98	104	2			218
Eighth precinct .....	79	115	4			213
Ninth precinct .....	115	79		1		199
Tenth precinct .....	88	94	3			195
Eleventh precinct .....	118	80	2	2		208
Twelfth precinct .....	97	75	2			183
Thirteenth precinct .....	102	88	4			203
Fourteenth precinct .....	107	73	8			196
Fifteenth precinct .....	101	98	2		1	214
Total to recapitulation .....	1,359	1,369	44	4	1	2,959

*Official statement of votes polled at the general election held in the city and county of San Francisco, State of California, on Tuesday, the 4th day of November, A. D. 1902, for Representative in Congress, Fourth Congressional district—Continued.*

## RECAPITULATION.

Assembly districts.	Julius Kahn, R.	Edwd. Livernash, D.-U.	William Costley, S.	Joseph Rowell, P.		Total vote polled.
Twenty-eighth assembly district.....	1,000	1,795	94	6	1	3,071
Twenty-ninth assembly district.....	1,096	2,326	102	6	2	3,693
Thirtieth assembly district.....	1,313	2,417	78	6		3,993
Thirty-first assembly district.....	1,076	2,284	62	4		3,571
Fortieth assembly district.....	2,111	769	16	2		2,991
Forty-first assembly district.....	1,742	1,082	27	7	2	2,976
Forty-second assembly district.....	2,108	1,572	59	14		3,874
Forty-third assembly district.....	2,159	1,175	52	7		3,522
Forty-fourth assembly district.....	2,041	1,357	82	13		3,680
Forty-fifth assembly district.....	1,359	1,369	44	4	1	2,959
Total.....	16,005	16,146	616	69	6	34,330

STATE OF CALIFORNIA, *City and County of San Francisco, ss:*

I, Thos. J. Walsh, registrar of voters and secretary of the board of election commissioners of said city and county, do hereby certify the foregoing to be a full, true, and correct statement of the vote polled in city and county of San Francisco, at the general election, held on Tuesday, the 4th day of November, A. D. 1902, so far as the same relates to the votes given for persons for Representative in Congress, in the Fourth Congressional district, as said statement appears entered in the records of the proceedings of the board of election commissioners of said city and county, now in my custody.

Witness my hand and official seal this 24th day of February, A. D. 1903.

[SEAL.]

THOS. J. WALSH,

*Registrar of Voters and Secretary of the Board of Election Commissioners.*

WEDNESDAY, March 4, 1903.

Pursuant to the adjournment by stipulation, the examination was resumed this 4th day of March, 1903, at the office of the registrar of voters, in room 9 of the city hall of the city and county of San Francisco, at the hour of 9.45 o'clock a. m.

J. H. ZEMANSKY, being recalled, further answers and deposes as follows:

By Mr. OLIVER DIBBLE:

74. Q. Mr. Zemansky, you have been called before as a witness in this matter, have you not?—A. Yes, sir.

75. Q. And you have testified as to the condition and integrity of the ballots cast at the general election held on November 4, 1902, in the Fourth Congressional district of California, have you not?—A. I believe I have.

76. Q. And during the recount conducted here the ballots have been in your official custody, or in the official custody of your chief, Mr. Walsh?—A. Yes, sir.

77. Q. And are now under his or your official custody and control?—A. Yes, sir.

78. Q. Mr. Walsh is at present out of town, is he not?—A. Yes, sir; he is in Sacramento.

79. Q. So that, as chief deputy to Mr. Walsh, you are in charge of the office at this time?—A. Yes, sir.

Mr. DIBBLE. We now offer in evidence all of the ballots cast in the Fourth Congressional district of California at the election held November 4, 1902, as exhibits in the case. This offer is made under the authority of section 1265 of the political code of California as amended by an act of the legislature approved February 27, 1903. Inasmuch, however, as the ballots are bulky and can not be attached to the depositions, and inasmuch as they are now legally in the custody of the registrar of voters of the city and county of San Francisco, we consent and stipulate that said ballots may be retained by said registrar of voters of the city and county of San Francisco, to be kept sealed as required by law, and to be produced for examination by him when required by the proper committee of or upon the proper authority from the Congress of the United States.

Mr. TEVLIN. The consent and stipulation mentioned by counsel for contestant is



not a consent given or a stipulation entered into by and between counsel for contestant and counsel for contestee, and counsel for contestee does not so consent, and it is not so stipulated by him.

J. H. ZEMANSKY.

It is stipulated and agreed that an adjournment be now taken until Saturday, March 7, 1903, at the hour of 10 o'clock a. m., at room 9, city hall, San Francisco.

SATURDAY, March 7, 1903.

Pursuant to the adjournment by stipulation, the examination was resumed this 7th day of March, 1903, at the office of Messrs. Henry C. Dibble & Dibble, room 23, fifth floor, Mills Building, San Francisco, Cal., at the hour of 9.30 o'clock a. m.

STEPHEN POTTER, being duly sworn by the notary, answers and deposes as follows:

By Mr. OLIVER DIBBLE:

1. Q. What is your name, age, residence, and occupation?—A. Stephen Potter; age, 44; occupation, shorthand reporter; address, Mills Building.

2. Q. You are the official stenographer in department 4 of the superior court of the city and county of San Francisco?—A. I am.

3. Q. During the trial of a certain case entitled "In the matter of the contested election of W. H. Langdon to the office of superintendent of public schools, by T. P. Bayer, contestant," this being a special session of the court, you were sworn in to take down the testimony of that proceeding, were you not?—A. I was.

4. Q. During the trial of that contest there were a certain number of ballots objected to by contestant upon which, in the voting squares after the name "Edward J. Livernash," in both columns marked "Democratic ticket" and "Union Labor ticket," appear a cross, or, in other words, upon which the name "Edward J. Livernash" was voted for Congress in both the "Democratic" column and the "Union Labor" column. That is a fact, is it not?

Mr. TEVLIN. That is objected to as immaterial, irrelevant, and incompetent.

A. That is the fact.

5. Q. (By Mr. DIBBLE.) The decision upon these ballots was reserved by the court. Is that a fact?

Mr. TEVLIN. That is objected to as immaterial, irrelevant, and incompetent.

A. That is also a fact.

6. Q. (By Mr. DIBBLE.) The objection was made upon the ground that such marking identified the ballots, and that consequently under the laws and decisions in the State of California such ballots should be disregarded and not counted.

Mr. TEVLIN. That is objected to as immaterial, irrelevant, and incompetent.

A. That is true.

7. Q. (By Mr. DIBBLE.) On the 27th day of December, 1902, the court rendered its decision upon these objected ballots.

Mr. TEVLIN. That is objected to as immaterial, irrelevant, and incompetent.

A. That is the fact.

8. Q. (By Mr. DIBBLE.) That decision was delivered orally from the bench, was it?—A. Yes, sir.

9. Q. You took notes of that decision as the official reporter of the court?—A. Yes, sir.

10. Q. And transcribed those notes?—A. And transcribed them.

11. Q. Have you your transcription with you?—A. I have [producing].

Mr. DIBBLE. I now offer the transcription of the notes of the decision of the court upon reserved ballots in the case of Bayer v. Langdon, as an exhibit in this case, and ask that the same be marked "Contestant's Exhibit F."

Mr. TEVLIN. That is objected to on the ground that the decision of the court is not of itself in the nature of evidence; that it is immaterial, irrelevant, and incompetent; and if offered as evidence of the ruling of the court it is not the best evidence; if offered as a ruling of the court it does not conclude the contestant in this action or bind him in any way, inasmuch as he was not a party to the proceeding therein mentioned or a privy to that proceeding.

Thereupon the document offered in evidence was marked by the notary "Contestant's Exhibit F." It reads as follows:

#### DECISION OF THE COURT ON RESERVED BALLOTS.

The COURT. I am ready to make a ruling now, gentlemen. I have made a particular study of the California cases, have listened to your foreign citations and your criticisms

thereon, and I am ready to decide the point. Prior to the adoption of the Australian ballot system to rule upon objections to ballots produced at a recount was a comparatively easy task, calling only for the exercise of ordinary judgment and discretion to determine the intention of the voter. After the adoption of the Australian ballot system, although certain restrictions were placed upon the voter, it still for a long while was left largely with the discretion of the court to determine the intention of the voter; but that discretion has been gradually taken away by the amendments to the ballot law and the decisions of the supreme court of this State, until now, as is seen by the ballots which have been thrown out in this recount, many of them without any objection, many of them conceded, about 15 to 20 per cent of the voters of this city have been disfranchised unintentionally by the statute as amended and by the decisions of the supreme court of this State.

Speaking now of the chief objection to these ballots, in the case of *Murphy v. Curry*, decided by the supreme court on the 14th of October, 1902, there are several dissenting opinions, but the prevailing opinion of the court is based upon the fact that the name of the nominee for office may go upon the ballot twice, because, if not so, two political parties might nominate the same man for the same office and his name would appear under one or the other party designation which he must elect to go under, and the words "no nomination" would be made in the corresponding place in the other party column; and the supreme court said that was a false statement to the voter; that it was untrue; that, as a matter of fact, he had both nominations, and for that reason they said that his name might go upon the ballot twice. But it seemed to me in reading that case, and I have read it several times—I have it here—the court was very loath to make that ruling, and that it made it solely upon the ground that, if that law was upheld, the ballot as framed under it would be a false representation to the voter, and that was also the reasoning in the case cited this morning from Michigan, the case of the Attorney-General *v. Glaser*, reported in the 102 Michigan Reports, at page 405, where the supreme court, after deciding that where the name had been voted twice the ballot was invalid, took it back, because the court said that prior to the election it appeared that the attorney-general advised the people that they might so vote. That is the reasoning in that case, and it followed the reasoning in the *Curry* case. Now, since the *Curry* case (to say nothing of *Farnham v. Boland*, 134 Cal., 151, and *Paterson v. Hanley*, 136 Cal., 265), in which the supreme court decided that names could go on the ballot twice, there is the case of the people at the relation of *Bledsoe v. Campbell*, as reported in the California Decisions of December 8, 1902, in which the court has almost absolutely eliminated the inquiry into the intention of the voter in cases where the ballot contains anything that is or may be an identifying mark; and this court is bound by that opinion, which seems to be the result of a gradual evolution from the law as it originally stood down to this condition of affairs. I am not criticising the supreme court or intending to. I am only speaking of the law as I find it, and in the face of that decision and all the statutes as they stand presently upon the subject I can not take upon myself, though I wish I could, the responsibility of saying that where a ballot contains an identifying mark, whether it be a blot, for which fault many of them have been thrown out, whether it be a name written on, or a cross outside of a square, or for any of the other prohibited things, I can go behind them and inquire into the intention of the voter, because in *Bledsoe v. Campbell* the supreme court of this State says you can not do it.

"Now, as to the possibility of violating the secrecy of the ballot. I have here a tabulated statement of the thirty precincts already counted. The ballots upon which the ruling has been reserved amount to 164, in the thirty precincts, running from 1 to 7 or 8, most of them 4 or 5, and one of them 16, the average being  $5\frac{1}{2}$  ballots for each precinct. There are 96 ballots thrown out, about which no contest was made, by reason of a cross being placed opposite the designation of the titles to certain offices; for instance, "Judges of the superior court," and "Justices of the peace." The proportion is very small as compared with the ballots that have been thrown out for other defects, such as the double cross, the blot with ink, and other objectionable features. This particular objection thus far covers about 164 votes, which is a small percentage of the something like 1,000, 1,200, or 1,500 votes that have been thrown out altogether, and it certainly appears to the court that it might be, and may be in some cases, the result of an understanding of a few voters in every precinct to ear-mark their ballots by voting twice for the same nominee, and the fact that there are so few of them considering the precincts counted and the number of votes in each, that out of 200 in one precinct, for instance, only 1 should be thrown out, in another one 6, in another one 2, and that the greatest number in any precinct was 16, it certainly could be made the identifying mark of a ballot, and it could be thus marked with better design than by marking a cross opposite the title of the

offices or making a blot with ink, or anything of that sort. If several people, or a club, should sit down and say we will vote for a particular man and identify our ballots in that manner, when the ballots were opened they could watch the count and see that each man voted as he agreed and that the contract was carried out.

The future life of a party depends upon the percentage of votes received by such party at the preceding election—that used to be the law, and it is the law now—and upon that depends the life of that party and its right to a place upon the ballot at the next election. If you vote for a man having the Union Labor and the Democratic nominations, or the Union Labor and the Republican nominations, under both of the headings, you swell the percentage of votes of one or the other of those parties falsely. That is only an incidental argument, to be sure, but I must hold, and particularly under the case of *Bledsoe v. Campbell*, that the marking of the names, in this case Mr. Livernash or Mr. Langdon, or both of them, twice, once in the Democratic column and once in the Union Labor column, is a distinguishing mark and tends to identify the ballot, and makes it just as invalid as any of the others which have been thrown out in this contest. Therefore the objection is sustained, and the 164 ballots, the ruling as to which has been heretofore reserved, are ordered counted as no vote.

Cross examination by Mr. TEVLIN:

1. X. Q. Have you made this transcription yourself?—A. Yes, sir; that is, I dictated it to the typewriter.
2. X. Q. The typewriter took it down from your dictation?—A. Yes, sir.
3. X. Q. And this paper you offer here is what the typewriter has taken down from your dictation?—A. Exactly.
4. X. Q. Did you read it over afterwards with the typewriter for the purpose of comparing your notes with what had been taken down?—A. Yes, sir.
5. X. Q. And do they correspond?—A. They correspond. It was carefully compared.
6. X. Q. Is this all of what the court said in giving its decision?—A. That is all.

STEPHEN POTTER.

OLIVER DIBBLE, being recalled, further answers and deposes as follows:

The WITNESS. I served upon James F. Tevlin, esq., attorney for contestee, a notice of taking the deposition of Stephen Potter. Indorsed upon the notice is the following: "Service of the within notice by copy admitted this 4th day of March, 1903. Jas. F. Tevlin, atty. for contestee."

I offer this in evidence, and ask that it be marked "Contestant's Exhibit G."

Thereupon the document offered in evidence was marked by the notary "Contestant's Exhibit G." It reads as follows:

SAN FRANCISCO, *March 4, 1903.*

TO EDWARD J. LIVERNASH, Esq., or  
TO JAMES F. TEVLIN, his attorney, duly authorized.

Please take notice that I will commence to take the deposition of the witness whose name and residence follows herein on the 7th day of March, 1903, at the hour of 9.30 o'clock a. m., before Eugene W. Levy, a notary public in and for the city and county of San Francisco, State of California, at room 23, fifth floor, Mills Building, northeast corner of Bush and Montgomery streets, San Francisco, Cal., to be read as evidence in my behalf in the matter of the contest of your election as Representative of the Fifty-eighth Congress of the United States for the Fourth Congressional district of the State of California, of which contest I have given you notice.

If for any cause the taking of said deposition be not commenced, or, if commenced, be not concluded on the day above named, the taking of the same will be continued from day to day or from time to time, at the same place, or such other place as may be agreed upon, and between the hours of 9.30 a. m. and 11.30 p. m., until such deposition is completed.

The name and address of the witness is Stephen Potter, Mills Building, San Francisco.

JULIUS KAHN, *Contestant*,  
By HENRY C. DIBBLE & DIBBLE,  
*Attorneys for Contestant.*

(Indorsed:) Service of the within notice by copy admitted this 4th day of March, 1903. Jas. F. Tevlin, atty. for contestee.

I offer in evidence, and wish to have it read into the record, a certain editorial appearing in the San Francisco Examiner of October 28, 1902.

Mr. TEVLIN. We object to that as wholly immaterial, irrelevant, and incompetent.



Thereupon the document offered in evidence was marked by the notary "Contestant's Exhibit H." It reads as follows:

DO'NT STAMP BALLOT TWICE.

The Union Labor party makes this announcement: The voter who wishes to vote for Mr. Livernash, Mr. Wynn, or any other Union Labor candidate who is also a candidate of the Democratic party must not stamp twice for such candidate, or his ballot will be thrown out. Stamp only once for a candidate. If the voter stamps for Mr. Livernash in the Union Labor column, for instance, he must not stamp in the Democratic column, and vice versa.

OLIVER DIBBLE.

Testimony for contestant closed.

In the matter of the contest of Julius Kahn, of the Fourth Congressional district of California, *v.* Edward J. Livernash, Representative-elect to the Fifty-eighth Congress of the United States from the Fourth district of California.

STATE OF CALIFORNIA, *City and County of San Francisco, ss:*

I, Eugene W. Levy, a notary public in and for the city and county of San Francisco, State of California, and residing in the Fourth Congressional district of the State of California, do hereby certify that the witnesses whose depositions are hereto annexed, to wit, Thomas J. Walsh, J. H. Zemansky, Oliver Dibble, and Stephen Potter, were examined and testified before me in behalf of the contestant in the matter of Julius Kahn, contesting the election of Edward J. Livernash to a seat in the Fifth-eighth Congress of the United States for the Fourth district of California, contestant, *v.* Edward J. Livernash, contestee; and that their testimony was, by Clement Bennett and Charles R. Gagan, reduced to writing in the presence of Messrs. Henry C. Dibble and Oliver Dibble, counsel for contestant, and James F. Teylin, counsel for contestee; that the several witnesses were by me severally and duly sworn before being examined; that the said testimony was taken at room 23, fifth floor, Mills Building, San Francisco, and at the city hall, San Francisco, commencing on the 11th day of February, 1903, and thereafter from time to time by agreement adjourning until the 7th day of March, 1903; and that said depositions were severally duly taken, sworn to, attested, and subscribed before me at the times and places mentioned herein.

Given under my hand and notarial seal this 9th day of March, 1903.

[SEAL.]

EUGENE W. LEVY,  
*Notary Public in and for the City and County of San Francisco,  
State of California.*

## TESTIMONY FOR CONTESTEE.

SAN FRANCISCO, *March 22, 1903.*

I do hereby nominate and appoint P. J. Kennedy, a notary public in and for the city and county of San Francisco, State of California, to act as a special commissioner under section 110 of the Revised Statutes of the United States, to administer oaths, issue subpoenas, take depositions of witnesses, and to do all things whatsoever necessary and proper as such commissioner in the matter of the contest by Julius Kahn of the election of Edward J. Livernash as Representative in the Fifty-eighth Congress of the United States for the Fourth Congressional district of the State of California.

EDWARD J. LIVERNASH.

STATE OF CALIFORNIA, *City and County of San Francisco, ss:*

I, P. J. Kennedy, duly appointed a notary public in and for the city and county of San Francisco, State of California, do solemnly swear that I reside at No. 1538 Taylor street, in said city and county; that I am not interested in the matter of the contest by Julius Kahn of the election of Edward J. Livernash as Representative to the Fifty-eighth Congress from the Fourth Congressional district of the State of California; and that I will faithfully perform the duties imposed upon me by my appointment as a commissioner, under section 110 of the Revised Statutes of the United States, in the matter above mentioned.

P. J. KENNEDY.

Subscribed and sworn to before me the 24th day of March, 1903.

[SEAL.]

J. J. KERRIGAN,

*Notary public in and for the City and County of San Francisco,  
State of California.*

OFFICE OF THE REGISTRAR OF VOTERS,  
*San Francisco, Cal., March 26, 1903—9 o'clock a. m.*

In the matter of Julius Kahn, contesting the election of Edward J. Livernash to a seat in the Fifty-eighth Congress of the United States, contestant, *v.* Edward J. Livernash, contestee.

Persons present: James F. Tevlin, esq., counsel for contestee; Oliver Dibble, esq., counsel for contestant; Edward J. Livernash, esq., contestee; P. J. Kennedy, esq., notary public; Thomas J. Walsh, esq., registrar of voters; J. H. Zemansky, esq., chief deputy registrar of voters; R. H. Elder, esq., shorthand reporter.

The following proceedings were had:

The notary public administered the oath to said R. H. Elder to act as stenographer in this proceeding, and to faithfully transcribe his shorthand notes into typewritten longhand.

J. H. ZEMANSKY, being first duly sworn, deposed and testified as follows:

By MR. TEVLIN:

Q. Mr. Zemansky, you are the chief deputy registrar of the city and county of San Francisco, are you not?—A. Yes, sir.

Q. You have been sworn and have testified in this proceeding on the direct case of the contestant, have you not?—A. I have.

Q. What was done with the ballots inspected by counsel on the direct case of the contestant after they had been inspected?—A. They were returned to the vault of the registrar of voters.

Q. The vault from which they were taken?—A. Yes, sir.

Q. And when the inspection of the ballots was not in progress—that is, from adjournment to adjournment—how were they secured?—A. They were returned to the vault.

Q. And was the vault thereupon locked?—A. Yes, sir.

Q. What is the character of the door and lock on the registrar's vault?—A. The inner door is locked with a key, and the outer door has two combinations.

Q. Do you know those combinations?—A. I do.

Q. Does anyone else know those combinations?—A. The registrar of voters.

Q. Anyone else?—A. Nobody.

Q. After the direct testimony in behalf of contestant was closed—that is, the testimony consisting of an inspection of the ballots—was the vault then locked?—A. Yes, sir; and it has been locked ever since.

Q. Was it sealed?—A. No; it was not sealed. The combinations were thrown on.

Q. The combinations were thrown on?—A. Yes, sir.

Q. And they have so remained from that time to the present time?—A. Yes, sir.

Q. Has anyone had access to the vault since it was closed, after the ballots were inspected on this proceeding?—A. No, sir; nobody has.

Mr. TEVLIN. Now, will you admit, Mr. Dibble, that the ballots are in the custody of the registrar, and have been properly preserved and have not been tampered with?

Mr. DIBBLE. Yes.

By Mr. TEVLIN:

Q. Now, Mr. Zemansky, will you please produce for us the first four precincts of the Fortieth assembly district?

(Mr. Zemansky produces the ballots as requested.)

Q. Have any of the ballots inspected on the direct case of contestant been opened since they were so inspected?—A. In response to a subpoena from the legislature of the State of California they were sent to Sacramento in custody of the registrar of voters.

Q. What ballots were sent to Sacramento?—A. All the ballots of the Twenty-eighth assembly district.

Q. But no others?—A. No others.

Q. You say they were sent to Sacramento in the custody of the registrar of voters?—A. Yes, sir; and counted and returned, and locked into the vault with the other ballots.

Q. And were sent in the personal custody of the registrar of voters of this city and county?—A. Yes, sir.

Q. And were returned to this office in his personal custody?—A. Yes, sir.

Q. And thereupon placed in the vault, where they have since remained?—A. Yes, sir.

Attest:

J. H. ZEMANSKY.

THOMAS J. WALSH, being first duly sworn, deposed and testified as follows:

By Mr. TEVLIN:

Q. You are the registrar of the city and county of San Francisco?—A. Yes, sir.

Q. And you testified as a witness on the main case of the contestant in this proceeding?—A. Yes, sir.

Q. How have the ballots been kept since they were inspected by counsel on the main case in this proceeding?—A. They have been kept in a vault in this basement; and there is only one lock to the inside door, and that is in the possession of the chief deputy; and the combination of the outer door is only known to myself and the chief deputy.

Q. Have any of the ballots been taken out of your office since they were inspected in this proceeding?—A. Yes; there were some.

Q. State what ballots they were.—A. The ballots for the Twenty-eighth assembly district were taken to Sacramento by myself.

Q. Why did you take them to Sacramento?—A. On a subpoena from the contested-election committee of the assembly.

Q. Of the assembly of the State of California?—A. Yes; of the State of California.

Q. Well, what was done with the ballots while they were in your custody in Sacramento?—A. They were opened, of course. They were in a large box, to which I had a padlock of my own, and I opened it myself and never let them out of my presence until they were returned to the box and locked; and then I placed seals on them, and was satisfied that the ballots were not handled by any other person except myself and my deputy, Deputy Gutstadt.

Q. Then, I understand, you placed the ballots in a box in this office?—A. Yes, sir.

Q. The ballots at that time were in the envelopes in which they had been sealed, were they?—A. Yes, sir.

Q. And then did you place these seals upon that box before it left?—A. Yes, sir.



Q. What seals did you place on that?—A. I placed tapes on the openings on each side, and sealing wax with my impression on a seal.

Q. And were those seals intact when you arrived in Sacramento and opened the box for the first time?—A. They were; yes, sir.

Q. You say, after you opened the box, and while any of the ballots were out of the box, they were constantly in your presence?—A. Yes, sir. I took them myself out of the box and laid them on a table; opened the packages myself.

Q. And you returned them to the box?—A. Yes, sir.

Q. Again sealed the box?—A. Yes, sir.

Q. And were the seals on the box intact when the box arrived in your office in San Francisco?—A. They were.

Q. And thereupon you placed the ballots in your vault?—A. Exactly.

Q. And locked the vault?—A. Exactly.

Q. And it has remained locked from then until the present time?—A. Yes, sir.

Mr. TEVLIN. Will you admit, Mr. Dibble—

Mr. DIBBLE. We admit that the ballots of the Twenty-eighth district are in the same condition that they were in when returned by the various election boards to the registrar of voters.

Attest:

THOS. J. WALSH.

Mr. ZEMANSKY, recalled.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots of the first, second, and third precincts of the Fortieth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### FIRST PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the first precinct of the fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 17 ballots upon which Mr. Livernash has been voted for.

There is 1 ballot upon which Representative in Congress has not been voted for.

There is 1 ballot upon which William Costley has been voted for as Representative in Congress.

There are 91 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 52 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 116, identifying mark after the names Susman, Woods, Kirk, and Beatty, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 160, identifying marks opposite the names Hunt (Republican column) and F. Dunne (Democratic column).

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 159, identifying mark opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 151, identifying mark opposite amendment No. 3 and opposite the names Colgan, Baggett, and Susman.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 158, identifying mark opposite the names Beatty, Angelotti, and Kahn, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 148, identifying mark after the name Kirk (Republican column) and in column headed "Independent nominations."

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 150, identifying mark after the name Pardee (Republican column) and over figure "4," amendment No. 4.

Mr. DIBBLE. The objection is denied.

- Mr. TEVLIN. No. 144, identifying mark over the name Van Nostrand (Republican column) and opposite amendments Nos. 8 and 9.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 143, identifying mark opposite the name Van Nostrand (Republican column).
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 94, identifying mark opposite the name Pardee (Republican column) and amendment No. 9.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 91, identifying mark—ink blot, head of Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 98, identifying mark opposite amendment No. 8.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 101, identifying mark opposite the names Woods, Shaw, Brown, Angelotti, and Kahn, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 114, identifying mark opposite the names Shaw and Bauer and amendment No. 2.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 122, identifying mark opposite amendment No. 3.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 126, identifying mark opposite the name Van Nostrand, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 125, identifying mark after amendment No. 9 and after the names Gett and Susman, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 74, identifying mark after the names Beatty and Bauer, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 88, identifying mark after amendment No. 3.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 5, identifying mark after Shannon and Kahn, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 85, identifying mark in column of constitutional amendments, under amendment No. 1.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 55, identifying mark opposite the name Andrew.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 27, identifying mark in the blank portion of Prohibition column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 29, identifying mark opposite Curry and Webb.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 45, identifying mark opposite Angelotti, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 17, identifying mark after amendment No. 5 and the name Hallinan, Union Labor column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 73, identifying mark opposite Colgan, Dockweiler, Gett, Trask, and in right-hand margin of ballot.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 83, identifying mark opposite the name Woods.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 28, identifying mark opposite amendments No. 3 and No. 6.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 109, identifying mark opposite F. Dunne, Democratic column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 67, identifying mark opposite amendment No. 4.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 76, identifying mark opposite amendment No. 6.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 43, identifying mark opposite Susman, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 23, identifying marks in Independent nominations column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 66, identifying mark opposite amendment No. 2.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 22, identifying marks opposite amendments Nos. 1, 2, 3, 4, 5, 6, 7, and 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 127, identifying mark opposite Brauhart (Democratic column) and opposite Holcomb.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 84, identifying mark in front of the name Hunt (Republican column).

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 52, identifying mark opposite amendment No. 1, opposite title of office justices of the peace, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 62, identifying marks opposite the names Curry, Webb, and Frank Dunne.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 129, identifying mark opposite the name Frank Dunne, Democratic column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 132, identifying mark in column for Independent nominations.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 153, identifying mark opposite the name Angelotti, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 61, identifying marks on back of ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. Identifying mark over the words "For secretary of state," Republican column, No. 86.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 137, identifying mark opposite amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 136, identifying mark under the name of Alden Anderson.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 121, identifying marks opposite amendments Nos. 4 and 8 and in front of the name Shannon, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 154, identifying mark opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 39, identifying mark, ink blot at head of column Constitutional amendments and in lower blank part of column for Independent nominations.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 47, identifying mark opposite amendment No. 1, and over title of office Judges of the superior court, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 146, identifying mark opposite amendments Nos. 3 and 6, and opposite the name Susman, Republican column.

Mr. DIBBLE. The objection is denied.

## SECOND PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the second precinct of the Fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 58 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 58 ballots offered by contestee 50 of them are unobjectionable ballots; but to the following 8 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

Mr. TEVLIN. Contestee objects to counsel for contestant noting any objections to ballots cast in this precinct, or in any precinct of the fortieth assembly district, on which there is a cross made by the voting stamp in the square opposite the name of Mr. Livernash, on the grounds:

First. That all such ballots which might be objected to, or to which counsel for contestant may assert any objection or objections to their being counted as votes for contestee, should have been produced by contestant as evidence in support of the allegations contained in his notice of contest and within the time limited by law for the production of such evidence, and should have been then objected to.



Second. That the time within which contestant could and should offer evidence as to invalid votes cast for contestee has expired.

And contestee makes the further objection that the proposed objections do not go to any matter alleged in the notice of contest herein, or to any fact in issue between the parties to this proceeding, in that it is not charged either in the notice of contest or in the answer thereto that any illegal or invalid ballots, or any ballots in any way objectionable, were either cast or counted for contestee in this precinct or in any precinct of the Fortieth assembly district.

Mr. DIBBLE. The 8 ballots to which contestant objects are numbered 32, 162, 28, 155, 11, 116, 61, and 24, and the objections are as follows:

No. 24, there is a blot in the column marked Union Labor column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 61, there are crosses in the wrong squares after amendments Nos. 8 and 9.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 116, there is an attempted erasure after amendment No. 9.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 11, there are two crosses in the voting square after amendment No. 6.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 155, there are two crosses in the voting squares after the names Jenks and Kent, Democratic column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 28, there is a cross after the title Justices of the peace, Union Labor column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 162, there is a cross in the wrong square after amendment No. 8.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 32, there is a cross in the blank portion of the column marked Independent nominations.

Mr. TEVLIN. The objection is denied.

There is 1 ballot upon which no candidate for Representative in Congress has been voted for.

There are 78 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 25 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for Mr. Kahn in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 8, identifying mark in blank column, and opposite the name Shaw, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 117, identifying mark near title of office "For treasurer," Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 67, identifying mark opposite the name Hebbard, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 52, identifying marks in Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 46, identifying mark opposite the name Susman, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 107, identifying mark opposite Angelotti, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 37, identifying mark opposite Anderson, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 158, identifying mark opposite Susman, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 125, identifying mark at foot of Union Labor ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 108, identifying mark opposite Beatty, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 151, identifying mark at head of column Constitutional amendments, and at head of Socialist ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 63, identifying marks on right-hand margin of ballot.

- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 60, identifying marks opposite names Lane, Holcomb, and Alford, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 112, identifying mark under title Judges of the superior court, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 105, identifying mark opposite name Lane, Democratic column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 44, identifying mark—an erasure opposite amendment No. 1.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 41, identifying mark opposite the name Colgan.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 77, identifying mark opposite amendment No. 8.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 89, identifying mark opposite Curry, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 1, identifying mark opposite Julius Kahn, Republican.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 7, identifying mark opposite Beatty, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 10, identifying mark opposite Colgan, Kahn, and Hun, Republican.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 144, identifying mark opposite amendments Nos. 5 and 6.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 159, identifying marks in ink in blank column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 85, identifying mark opposite Susman, Republican column.
- Mr. DIBBLE. The objection is denied.

### THIRD PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the third precinct of the Fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 37 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 37 ballots offered by contestee, 31 of them are unobjectionable ballots; but to the following 6 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the second precinct of the Fortieth assembly district.)

Mr. DIBBLE. The 6 ballots to which contestant objects are numbered 13, 202, 6, 182, 163, and 184, and the objections are as follows:

No. 13, a cross in the wrong square after amendment No. 1.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 202, two crosses in the voting square after the name Moses, Democratic.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 6, cross after the title, justices of the peace, Democratic.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 182, two crosses in the voting square after the name Law, Democratic.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 163, two crosses in the voting square after amendment No. 9.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 184, cross after the title "Judges of the superior court," Democratic column.

Mr. TEVLIN. The objection is denied.

There is 1 ballot on which there is no vote for Representative in Congress.

There is 1 ballot, No. 150, upon which both Costley and Livernash are voted for.

There are 122 ballots on which Mr. Kahn is voted for, to which contestee makes no objection.

There are 40 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 107, identifying mark opposite the name Van Nostrand, Republican column.  
Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 166, identifying mark and erasure opposite the name Law, Democratic.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 25, identifying mark opposite amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 34, identifying mark opposite the name Brower, Socialist.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 71, identifying mark opposite amendment No. 2.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 185, identifying mark opposite the name Pardee, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 52, identifying mark opposite amendment No. 3, and opposite the name Pardee, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 15, identifying mark opposite the names Webb and Kahn, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 157, identifying mark opposite the name Curry, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 89, identifying mark opposite the name Pardee.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 137, identifying mark opposite the names Reeves and Brown, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 24, identifying mark opposite the title "Justices of the peace," Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 172, identifying mark opposite the name Carroll Cook, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 78, identifying mark opposite the names Hunt and Pardee, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 110, identifying mark opposite the name Koch, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 22, identifying mark opposite the name Pardee, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 186, identifying mark opposite the name Andrew, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 190, identifying marks in ink in upper left-hand corner of the ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 197, identifying mark in ink in Socialist column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 128, identifying mark opposite the name Daniels, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 33, identifying mark opposite the name Pardee, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 60, identifying mark opposite the names Pardee and Beatty, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 77, identifying mark opposite the name Kahn; also against the names Hebbard, Jenks, and Susman.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 101, identifying mark (erasure) opposite the name Shaw, Republican party.

Mr. DIBBLE. The objection is denied.



Mr. TEVLIN. No. 50, identifying mark opposite the name Lane (Democratic column) and in the voting square opposite the name Whitney (Socialist column).

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 63, identifying mark opposite Lane (Democratic column), Cook (Republican column), and amendment No. 3.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 10, identifying marks in ink in the Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 20, identifying mark opposite the name Braunhart, and identifying marks in ink at the foot of the Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 94, identifying mark opposite Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 181, identifying mark opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 187, identifying mark opposite the name Pardee, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 144, identifying mark opposite the names Pardee and Kirk (Republican ticket), and opposite Alford (Democratic ticket).

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 138, identifying mark opposite amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 141, identifying mark opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 146, identifying mark opposite the amendment No. 4, and erasure.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 180, identifying mark opposite the names Pardee and Shannon, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 54, identifying mark in ink at foot of Republican column, and in the right-hand margin of ballot; also identifying mark opposite amendment No. 1, and opposite the name Angelotti, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 114, identifying mark opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 167, identifying mark opposite the name Kahn, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 45, identifying mark opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Here a recess was taken until 2 o'clock p. m.

2 O'CLOCK P. M.

(The inspection of the ballots was resumed.)

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots cast in the fourth, fifth, sixth, and seventh precincts of the Fortieth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### FOURTH PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelopes containing the ballots cast in the fourth precinct of the Fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 57 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 57 ballots offered by contestee 49 of them are unobjectionable ballots, but to the following 8 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the second precinct of the Fortieth assembly district.)

The 8 ballots to which contestant objects are numbered 66, 72, 108, 139, 12, 164, 38, and 143, and the objections are as follows:

No. 66, attempted erasure after amendment No. 7.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 72, erasure after the name Brower, Socialist.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 108, erasure after the name Woodman, Democratic column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 139, two crosses in the voting square after the name O'Neill, Democratic column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 12, the name William H. Langdon, superintendent of schools, is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 164, an erasure after amendment No. 3.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 38, lead-pencil erasure after the names Shaw and Fransworth.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 143, the name William H. Langdon, superintendent of public schools, is voted for in both the Union Labor and Democratic columns.

Mr. TEVLIN. The objection is denied.

There are 4 ballots upon which no one has been voted for as Representative in Congress.

There is 1 ballot, No. 15, upon which Julius Kahn, William Costley, and Joseph Rowell are voted for as Representative in Congress.

There are 126 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 27 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 32, identifying mark opposite amendment No. 5.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 29, identifying mark opposite the name Hunt, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 178, identifying mark opposite the name Susman, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 171, identifying mark opposite amendment No. 9; also opposite the name Van Nostrand, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 174, identifying mark opposite the title of office judges of the superior court, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 215, identifying mark opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 46, identifying mark opposite the name Fritz, Democratic column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 212, identifying mark opposite the name Moses.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 190, identifying marks in Socialist column, and opposite the name Fritz, Democratic column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 159, identifying mark opposite amendment No. 3, and opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 135, identifying marks in ink, Prohibition ticket, in front of name Wicks.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 16, identifying mark opposite the name Beatty, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 199, identifying mark opposite the name Woods.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 19, identifying mark over title judges of the superior court, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 116, identifying marks on back of ballot; also in front of the name Seifert, Socialist ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 6, identifying mark opposite amendment No. 7.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 166, identifying mark opposite the name Pardee, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 181, identifying marks in ink, upper left-hand corner of ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 158, identifying mark opposite name Bauer, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 94, identifying mark opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 102, identifying mark in right-hand margin of ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 185, identifying mark opposite the name Susman, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 141, identifying mark opposite the name Daniels, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 176, identifying mark opposite the name Pardee, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 84, identifying marks opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 204, identifying mark opposite amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 167, identifying marks opposite amendment No. 4.

Mr. DIBBLE. The objection is denied.

#### FIFTH PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifth precinct of the Fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 27 ballots on which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 27 ballots offered by contestee 24 of them are unobjectionable ballots; but to the following 3 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the second precinct of the Fortieth assembly district.)

The 3 ballots to which contestant objects are numbered 28, 67, and 86, and the objections are as follows:

No. 28, two crosses in the voting square after the name Pardee, Republican.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 67, two crosses in the voting square after the name Dockweiler, Democratic.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 86, two crosses in the voting square after the name Anderson, Republican.

Mr. TEVLIN. The objection is denied.

There are 8 ballots upon which no one has been voted for as Representative in Congress.

There are 2 ballots upon which William Costley has been voted for as Representative in Congress.

There are 130 ballots on which Mr. Kahn is voted for to which contestee makes no objection.



There are 23 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

- No. 175, identifying mark opposite the name Pardee, Republican.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 104, identifying mark in ink in lower right-hand corner of ballot.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 118, identifying mark opposite amendment No. 1.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 113, identifying marks after amendments Nos. 5, 6, and 7, 8 and 9.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 102, identifying mark opposite the name Jenks, Democratic column; also opposite amendment No. 1.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 92, identifying mark on line between voting squares opposite names Shannon and Beatty, Republican ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 73, identifying mark opposite the name Long, Republican ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 56, identifying mark, to wit, an erasure opposite the name Richards.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 40, identifying mark opposite the name Susman, Republican column.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 117, identifying mark opposite the name Brown, Republican column.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 174, identifying mark opposite the name Baggett, Democratic column.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 153, identifying mark opposite the name Bauer, Republican ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 178, identifying mark opposite the name Susman.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 169, identifying mark opposite the name Angelotti, Republican column.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 187, identifying mark opposite amendment No. 8.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 49, identifying mark opposite amendment No. 1.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 57, identifying mark opposite the name Bauer, Republican ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 143, identifying mark opposite amendment No. 6, to wit, an attempted erasure of a cross opposite the word "No;" also, identifying mark opposite the name Dunn, Republican ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 146, identifying mark, to wit, an erasure opposite the word "Yes," amendment No. 8.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 19, identifying mark opposite the name Angelotti, Republican column.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 1, identifying marks after amendments Nos. 1 to 8, inclusive.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 150, identifying mark opposite the name Webb, Republican.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 149, identifying mark opposite amendment No. 8, and also opposite the name Long, Republican ticket.  
 Mr. DIBBLE. The objection is denied.

## SIXTH PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixth precinct of the Fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 61 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 61 ballots offered by contestee 52 are unobjectionable ballots; but to the following 9 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the second precinct of the Fortieth assembly district.)

The 9 ballots to which contestant objects are numbered 131, 176, 118, 24, 119, 161, 99, 3, and 2, and the objections are as follows:

No. 131, 2 crosses in voting square after the name Lawson, Democratic column; and also an erasure after the name Williams, Prohibition column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 176, upon which the name Livernash is voted for Representative in Congress, Fourth Congressional district, in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 118, in which there is an erasure after the name Costley.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 24, a cross after the title Justices of the peace, Democratic column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 119, pencil erasure after the name Farnsworth, Democratic column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 161, the name Livernash is voted for as Representative in Congress for the Fourth Congressional district in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 99, erasure after amendment No. 2.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 3, ink blots in the Constitutional amendments column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 2, erasure after the name Cook, Republican.

Mr. TEVLIN. The objection is denied.

There are 6 ballots on which there is no vote for Representative in Congress.

There are 112 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 26 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 12, identifying mark opposite the name Pardee, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 48, identifying marks in ink in the constitutional amendments column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 4, identifying mark opposite the name Lane, Democratic.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 39, identifying mark opposite the name Dockweiler, Democratic.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 199, identifying mark opposite the name Dunn, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 205, identifying mark opposite the name Andrew, Republican.

Mr. DIBBLE. The objection is denied,

Mr. TEVLIN. No. 84, identifying mark opposite amendment No. 1.

Mr. DIBBLE. The objection is denied;

Mr. TEVLIN. No. 77, identifying marks after constitutional amendments Nos. 1 to 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 82, identifying mark opposite the name Van Nostrand, Republican column; also opposite amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 167, identifying mark, to wit, an erasure opposite constitutional amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 178, identifying mark opposite the names Lawson, Shaw, Republican column; also identifying mark opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 189, identifying marks in upper blank portions of Union Labor ticket and column for Independent nominations.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 202, identifying mark in blank portion of Union Labor column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 191, identifying mark after amendment No. 8; also opposite the name Dunn, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 135, identifying mark after amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 29, identifying mark after the name Woodman, Democratic column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 134, identifying mark after the name Koch, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 101, identifying mark in blank portion of Prohibition column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 115, identifying marks opposite amendments Nos. 5 and 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 41, identifying mark, to wit, an erasure opposite amendment No. 5; also opposite the names Holcomb, Hunt, Long, and Susman, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 43, identifying mark opposite the name Holcomb.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 49, identifying mark opposite the name Fritz, Democratic column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 174, identifying mark opposite the name Van Nostrand, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 149, identifying marks opposite amendments Nos. 1 to 7.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 63, identifying marks opposite amendments Nos. 1, 4, and 5.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 40, identifying marks opposite amendments Nos. 4 and 5.

Mr. DIBBLE. The objection is denied.

#### SEVENTH PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventh precinct of the Fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 48 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 48 ballots offered by contestee 42 of them are unobjectionable ballots; but to the following 6 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a mark made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the second precinct of the Fortieth assembly district.)

The 6 ballots to which contestant objects are numbered 128, 3, 46, 102, 211, and 213, and the objections are as follows:

No. 128, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.



- Mr. DIBBLE. No. 3, a blot in the lower left-hand corner of the ballot.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 46, the name Livernash is voted for in both the Democratic and Union Labor columns.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 102, two crosses in the voting square after amendment No. 1.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 211, an erasure after amendment No. 8.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 213, an erasure after amendment No. 1; also the name Livernash is voted for in both the Democratic and Union Labor columns.
- Mr. TEVLIN. The objection is denied.
- There are 4 ballots on which there is no vote for Representative in Congress.
- There is 1 ballot upon which William Costley is voted for as Representative in Congress.
- There are 129 ballots on which Mr. Kahn is voted for, to which contestee makes no objection.
- There are 35 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of the ballots and the grounds of the objection to them are as follows:
- No. 123, identifying mark after the names Kirk and Shannon, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 152, identifying mark amendments Nos. 1, 2, and 4.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 161, identifying mark opposite the title justices of the peace, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 41, identifying mark opposite the name Long, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 185, identifying mark opposite the name Colgan, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 85, identifying mark opposite the name Beatty, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 7, identifying marks opposite amendments Nos. 2 to 9.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 183, identifying mark opposite the name Lane, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 207, identifying mark opposite the name Dunn, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 84, identifying mark opposite the name Webster, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 173, identifying mark opposite amendment No. 3; also opposite the name Reeves, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 188, identifying mark opposite the name Kirk, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 187, identifying mark opposite amendment No. 1.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 160, identifying mark opposite the name Lane, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 39, identifying mark opposite amendment No. 3.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 77, identifying mark opposite the name Webb, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 135, identifying mark opposite amendment No. 6.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 22, identifying mark opposite the name Long, Republican ticket.
- Mr. DIBBLE. Objection is denied.
- Mr. TEVLIN. No. 98, identifying mark after the name Pardee, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 130, identifying mark in ink, right-hand margin of ballot.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 124, two crosses to the left of the name Beatty, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 58, identifying mark opposite amendment No. 4.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 113, identifying mark opposite the name Daniels, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 17, identifying mark, to wit, a cross on the line dividing voting squares opposite the names Pardee and Anderson, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 178, identifying mark opposite the name Colgan, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 82, identifying mark opposite the name Koch, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 222, identifying mark opposite the name Susman, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 138, identifying mark, to wit, an erasure opposite amendment No. 7.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 163, identifying mark opposite the name McClellan, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 154, identifying mark opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 6, identifying marks opposite amendments Nos. 8 and 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 37, identifying mark in ink in the upper margin of the ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 136, identifying mark opposite the names Brown and Bauer, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 95, identifying mark opposite the name Curry, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 110, identifying mark opposite the name Van Nostrand, Republican ticket.

Mr. DIBBLE. The objection is denied.

Here an adjournment was taken until March 27, at 9 o'clock a. m.

MARCH 27, 1903—9 o'clock a. m.

The inspection of the ballots was proceeded with.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the eighth, ninth, tenth, and eleventh precincts of the Fortieth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### EIGHTH PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelopes containing the ballots cast in the eighth precinct of the Fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 74 ballots upon which Mr. Livernash was voted for.

Mr. DIBBLE. Contestant admits that of the 74 ballots offered by contestee 58 are unobjectionable ballots; but to the following 16 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objection to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp after the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the second precinct of the Fortieth assembly district.)

The 16 ballots to which contestant objects are numbered 92, 13, 158, 106, 123, 36, 164, 6, 49, 88, 124, 155, 35, 196, 38, and 112, and the objections are as follows:

No. 92, erasure after amendment No. 2.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 158, an attempted erasure after the name Farnsworth, Democratic column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 106, two crosses in the voting square after amendment No. 9.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 123, a cross in the wrong square after amendment No. 1.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 36, blot at the head of the Republican column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 164, erasure after the name Kahn, Republican column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 6, an erasure after the amendment No. 6.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 49, pencil writing in the constitutional amendment column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 88, voted in lead pencil.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. Nos. 124, 155, 35, 13, 196, 38, 112, on each of which the name Livernash is voted for Representative in Congress in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

There are 2 ballots upon which William Costley is voted for.

There are 7 ballots upon which there is no vote for Representative in Congress.

There are 100 ballots on which Mr. Kahn is voted for, to which contestee makes no objection.

There are 19 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 66, identifying mark on line dividing voting squares opposite the names Moses and O'Neill, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 29, identifying mark opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 5, identifying mark opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 44, identifying mark in voting square opposite the name Daniels, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 185, identifying mark opposite the name Hallinan, Union Labor ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 203, identifying mark opposite the name Hunt, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 169, identifying mark opposite the name Curry, Republican ticket; and opposite amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 139, identifying mark opposite the name Pardee, Republican ticket; and opposite amendments Nos. 1 and 2.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 176, identifying marks opposite amendments 6, 7, 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 91, identifying marks opposite titles of offices "Judges of the superior court" and "Justices of the peace," Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 115, identifying mark opposite the name Hallinan, Union Labor column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 118, identifying mark in ink, right-hand margin of ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 127, identifying mark in ink, Union Labor column.

Mr. DIBBLE. The objection is denied.



- Mr. TEVLIN. No. 84, identifying mark in ink, Constitutional amendments column.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 18, identifying mark opposite amendment No. 4.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 157, identifying marks to the left of titles amendment No. 2 and amendment No. 3.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 74, identifying mark opposite the name Baggett, Democratic ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 174, identifying mark opposite Susman, Republican ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 151, identifying mark opposite the name O'Neill, Democratic ticket.  
 Mr. DIBBLE. The objection is denied.

#### NINTH PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the ninth precinct of the Fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 61 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 61 ballots offered by contestee 53 are unobjectionable ballots, but to the following 8 ballots contestant objects on the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots on which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the second precinct of the Fortieth assembly district.)

The 8 ballots to which contestant objects are numbered 109, 38, 183, 124, 180, 18, 20, and 155, and the objections are as follows:

No. 109, erasure after the name Langdon—Democratic column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. The name Livernash is voted for in both the Labor Union and Democratic columns—No. 38.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 183, a cross in the wrong square after amendment No. 1.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 124, two crosses in the voting square after the name Pardee, Republican.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 180, erasure after amendment No. 1.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 18, erasure on the right-hand margin of the ballot.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 20, two crosses in the voting square after the name Sullivan, Democratic.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 155, crosses after the title of office in the Democratic column. This ballot is marked on the back "Rejected as void," and signed by the precinct election board.

Mr. TEVLIN. The objection is denied.

There is 1 ballot, No. 8, on which Kahn and Livernash are both voted for.

There is 1 ballot on which Costley is voted for.

There are 5 ballots on which there is no vote for Representative in Congress.

There are 117 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 20 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 192, identifying mark opposite name Susman—Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 211, identifying mark opposite the name Farnsworth—Democratic column; and identifying mark, to wit, erasure opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 48, identifying mark, to wit, a cross in the right-hand margin of ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 11, identifying mark, to wit, erasure opposite amendment No. 7, also opposite amendment No. 4, also opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 164, identifying marks, to wit, a cross and square with the word "No" opposite amendment No. 1; identifying mark opposite amendment No. 2.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 137, identifying mark, to wit, erasure opposite amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 40, identifying mark in purple ink at head of blank column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 74, identifying mark opposite amendments Nos. 8 and 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 153, identifying mark opposite the name Gett, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 208, identifying mark in purple ink in column for "Independent nominations."

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 4, identifying mark opposite the name Reeves, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 207, identifying mark opposite the name Webb, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 128, identifying mark on title of office for superintendent of public schools, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 69, identifying mark opposite amendment No. 3.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 78, identifying mark opposite the name Angelotti, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 42, identifying mark opposite the name Holcomb, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 173, identifying mark opposite the name Shannon, Republican ticket; and also amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 136, identifying mark opposite the name Anderson, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 175, identifying mark opposite the name Webb, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 185, identifying mark opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. In addition to the foregoing objections, contestee also objects to the following ballots which, together with ballot No. 155, objected to by counsel for contestant, were in a separate bundle in the envelope, and indorsed as rejected by the election board:

No. 87, identifying mark after the name Long, Republican ticket.

Mr. DIBBLE. Contestant claims that this ballot should not have been rejected by the election board.

Mr. TEVLIN. No. 112, identifying marks as follows: On lines between the voting squares opposite the names Webb, Woods, Jordan, Kirk, Shannon, Beatty; also opposite the title judges of the superior court; also opposite the title justices of the peace—all in the Republican ticket.

Mr. DIBBLE. No objection.

Mr. TEVLIN. No. 204, identifying marks opposite amendments Nos. 8 and 9.

Mr. DIBBLE. No objection.

Mr. TEVLIN. No. 174, identifying marks, to wit, crosses in ink, opposite the name Cook, Republican ticket.

Mr. DIBBLE. No objection.

Mr. TEVLIN. No. 62, identifying marks, to wit, crosses in the wrong squares after "Constitutional amendments."

Mr. DIBBLE. No objection.

Mr. TEVLIN. No. 179, identifying marks opposite the names Beatty and Long, Republican ticket.

Mr. DIBBLE. The objection is denied and contestant claims that this ballot should have been counted.

### TENTH PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the tenth precinct of the Fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 25 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 25 ballots offered by contestee 23 are unobjectionable ballots; but to the following 2 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the second precinct of the Fortieth assembly district.)

The 2 ballots to which contestant objects are numbered 13 and 11, and the objections are as follows:

No. 13, two crosses in the voting square after the name Jenks, Democratic ticket.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 11, two crosses in the voting square after the name Webster, Republican ticket.

Mr. TEVLIN. The objection is denied.

There is 1 ballot on which William Costley is voted for.

There are 3 ballots upon which no Representative in Congress is voted for.

There are 124 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 23 ballots to which contestee makes the objection that they are illegal and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of the ballots and the grounds of the objection to them are as follows:

No. 1, identifying mark opposite the name Webb, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 106, identifying mark opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 73, two crosses in the voting square opposite the name Jordan, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 71, identifying mark in the square opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 63, two crosses in the square opposite the name Cook, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 41, identifying mark, to wit, cross on line between voting square and name Webster, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 58, two crosses opposite the name Dunn, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 148, two crosses opposite the name Webb, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 152, identifying mark in ink opposite the name Hallinan, Union Labor ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 178, two crosses in the voting square opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 35, cross on line between voting squares opposite names Koch and Daniels, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 181, identifying mark, two crosses in voting square opposite amendment No. 9.

Mr. DIBBLE. The objection is denied.



Mr. TEVLIN. No. 182, identifying mark, two crosses opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 158, two crosses in voting square after amendment No. 1; also two crosses in voting square opposite the name Angelotti, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 162, identifying mark, two crosses in voting square, opposite the name Curry, Republican ticket; also opposite the name Baggett, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 129, two crosses in voting square opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 84, two crosses in the voting square opposite amendment No. 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 40, two crosses opposite the name Van Nostrand, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 77, two crosses in the voting square opposite the name Shannon, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 83, two crosses in voting square opposite the name Long, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 109, two crosses in voting square opposite the name Colgan, Republican ticket; also opposite Van Nostrand, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 4, identifying mark, to wit, Burn in blank portion of Socialist column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 28, two crosses in voting squares opposite the names Anderson, Hunt, and Long, Republican ticket; also two crosses in voting squares opposite amendments Nos. 2, 6, 7, and 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. Counsel for contestee also objects to the following ballots, which were not strung with the other ballots cast in the precinct, but were returned in the same envelope:

No. 173, marked with lead pencil.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 176, two crosses in voting squares after the names Jordan, Kirk, Kahn, and Van Nostrand, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 112, identifying mark, to wit, a pencil erasure of the name Hamilton A. Bauer, and in voting square opposite the name Hamilton A. Bauer, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 76, a cross opposite the title of office for senator Twenty-second senatorial district, Union Labor column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 134, crosses in wrong squares after amendments Nos. 1, 3, 4, and 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 66, cross in right-hand margin of ballot.

#### ELEVENTH PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eleventh precinct of the Fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 55 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 55 ballots offered by contestee 45 are unobjectionable ballots; but to the following 10 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the second precinct of the Fortieth assembly district.)

The 10 ballots to which contestant objects are numbered 46, 59, 5, 10, 9, 105, 77, 145, 155, and 36, and the objections are as follows:

No. 46, two crosses in voting square after amendment No. 2.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 59, an erasure after the name Lindsay, Democratic column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 5, two crosses in the voting square after the name O'Neill, Democratic column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 10, two crosses in the voting square after amendment No. 5.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 9, the name Livernash voted for in both the Democratic and Union Labor column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 105, a cross in the wrong square after amendment No. 1.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 77, this ballot is not voted in the manner authorized by the law.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 145, the name Langdon is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 155, an erasure after amendment No. 9.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 36, the name Lawson is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

There are 94 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 11 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 94, identifying mark opposite the name Carroll, Democratic column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 120, identifying mark opposite the name Brown, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 7, identifying mark opposite the name Curry, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 44, identifying mark, to wit, an erasure opposite the name Andrew, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 8, identifying mark opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 66, identifying mark opposite the name Colgan, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 84, identifying mark opposite the name Moses, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 76, identifying mark opposite the name Carroll, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 18, identifying mark opposite the name Mueller, Union Labor column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 30, identifying marks to the left of names Lane and Dockweiler, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 56, identifying mark, to wit, writing in lead pencil in column for Independent nominations.

Mr. DIBBLE. The objection is denied.

Here a recess was taken until 2 o'clock p. m.

2 O'CLOCK P. M.

(The inspection of the ballots was resumed.)

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the twelfth, thirteenth, fourteenth, and fifteenth precincts of the Fortieth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### TWELFTH PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twelfth precinct of the Fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 39 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 39 ballots offered by contestee, 32 are unobjectionable ballots; but to the following 7 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the second precinct of the Fortieth assembly district.)

The 7 ballots to which contestant objects are numbered 12, 96, 42, 76, 90, 136, and 15, and the objections are as follows:

No. 12, the name Langdon is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 96, two crosses in the voting square after the name Kirk, Republican ticket.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 42, there are two crosses in the voting square after the word O'Neill, Union Labor column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 76, there are two crosses in voting square after the name Lawson, Union Labor column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 90, there is a blot in the Union Labor column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 136, there is a cross in the wrong squares after amendments Nos. 1, 3, 5, and 7.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 15, there is a blot in the Democratic column.

Mr. TEVLIN. The objection is denied.

There are ballots upon which William Costley has been voted for.

There are 6 ballots upon which there is no vote for Representative in Congress.

There are 77 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 45 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of the ballots and the grounds of the objection to them are as follows:

No. 128, two crosses opposite the name Hebbard, Republican ticket, and Rosborough, Democratic.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 99, identifying mark, to wit, an ink blot opposite the name Anderson, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 44, two crosses opposite the name Lane, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 51, crosses in wrong squares opposite the constitutional amendments.



- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 136, red-ink blots.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 88, there is an erasure opposite amendment No. 1.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 61, there is an ink blot in the Republican column and a cross not in the voting square opposite the name Lane, Democratic column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 6, two crosses opposite the names Kahn and Susman, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 69, attempted erasure opposite name Susman, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 200 (so marked for identification), there are two crosses opposite amendments Nos. 6 and 8.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 119, there is an erasure opposite amendment No. 2.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 107, there are two crosses opposite amendment No. 3.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 120, there is a cross in the wrong square opposite amendments Nos. 6 and 9.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 56, there are two crosses opposite the names Dunne and Lawson, Democratic ticket, and also ink blots.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 94, there are two crosses opposite the name Colgan, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 13, there are two crosses opposite the name Dunn, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 145, there is an attempted erasure opposite amendment No. 4, and marks in red ink in the Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 166, there are two crosses opposite the name Daniels, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 127, there is an identifying mark opposite the word "No" in the square opposite amendment No. 3.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 163, there is a mark in red ink on the back of ballot.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 22, there is an attempted erasure opposite the name Andrew, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 91, there is a cross opposite the titles of offices judges of the superior court and justices of the peace, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 28, there are two crosses in the square opposite amendment No. 8.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 39, there is a cross in the wrong square opposite amendment No. 8.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 137, there are two crosses opposite the names Kirk, Beatty, Daniels, and Van Nostrand, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 143, there are two crosses in the wrong squares opposite amendments Nos. 4, 5, 6, 7, 8, and 9.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 5, there are two crosses opposite the name Susman, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 116, there is an identifying mark in lead pencil opposite the name Baggett, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 78, there is a cross on the back of the ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 147, there are two crosses opposite the name Shaw, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 10, there are two crosses opposite the name Kahn, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 110, there is a cross on the line dividing the lower voting square opposite amendment No. 8 and the upper voting square opposite amendment No. 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 66, there is an erasure in the lower voting square opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 17, there is a cross not in the voting square opposite amendment No. 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 84, there are two crosses opposite the name Kent, Democratic column; and a mark in red ink over the name Heenan, Union Labor column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 35, there is a mark in ink over the word "No" opposite amendment No. 9, and also an ink blot on the back of the ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 1, there is a red-ink mark in the amendments column—amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 125, there is an erasure opposite the name Hunt, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 157, there are two crosses opposite the name Webb, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 27, there are two crosses opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 103, there are two crosses opposite the name Van Nostrand, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 40, there are two crosses opposite the name Susman, Republican ticket.

Mr. DIBBLE. The objection is denied.

### THIRTEENTH PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the thirteenth precinct of the Fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 55 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 55 ballots offered by contestee 46 are unobjectionable ballots; but to the following 9 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objection of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots in the second precinct of the Fortieth assembly district.)

The 9 ballots to which contestant objects are numbered 93, 43, 156, 96, 94, 114, 49, 130, and 79, and the objections are as follows:

No. 93, there is an ink blot in the columns marked "Blank column" and "Constitutional amendments" column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 43, there is an ink blot on the right-hand margin of the ballot.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 156, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 96, there are two crosses in the voting square opposite amendment No. 9.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 94, there are two crosses in the voting square opposite amendment No. 9.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 114, there are two crosses in the voting square after the name Smith, Socialist ticket.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 49, the ballot has been voted with a lead pencil.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 130, there are crosses in the wrong squares after amendments Nos. 1 to 9, inclusive.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 79, there is an erasure after amendment No. 1.

Mr. TEVLIN. The objection is denied.

There is 1 ballot upon which Joseph Rowell has been voted for as Representative in Congress.

There are 5 ballots upon which there is no vote for Representative in Congress.

There are 75 ballots on which Mr. Kahn is voted for to which contestee makes no objections.

There are 29 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 64, there are two crosses opposite the name Anderson, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 78, there are two crosses opposite the name Pardee, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 160, there are two crosses opposite the names Pardee, Susman, and Hunt, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 163, there are two crosses opposite the names Currey, Long, and Koch, Republican ticket, and opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 125, there are two crosses opposite the name Trask, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 115, there are two crosses opposite the name Reeves, Republican ticket, and opposite amendment No. 3.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 137, there is an identifying yellowish mark opposite amendment No. 7.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 133, there are two crosses opposite the name Hebbard, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 134, there are two crosses in the voting square opposite the name Long, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 72, the ballot is marked in lead pencil.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 57, there are ink marks in the Republican column opposite the name Kahn.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 81, there are three crosses in one voting square opposite amendment No. 3, a cross in the wrong square opposite amendments Nos. 6 and 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 15, there is a cross opposite the title of office judges of the superior court, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 24, there are two crosses opposite the name Cook, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 105, there are two crosses opposite the name Pardee, Republican ticket.



- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 62, there is an identifying mark, to wit, writing in lead pencil in the blank column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 20, there are two crosses opposite the name Pardee, Republican.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 7 (so marked for identification), there are two crosses opposite name Pardee, Republican ticket, and opposite the name Baggett, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 63, there are two crosses opposite the name Woods, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 52, there is a cross in the wrong square after amendment No. 8.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 56, there are two crosses after the name Hebbard, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 87 (so marked for identification), there are two crosses opposite the name Daniels, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 44, there are two crosses opposite the name Webb, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 34, there are two crosses opposite the name Shaw, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 68, there are two crosses opposite the name Pardee, Republican.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 97, there are two crosses opposite amendment No. 9.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 86 (so marked for identification), there are two crosses opposite the names Pardee, Andrew, McClellan, Republican.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 163, two crosses opposite the names Lane and Fritz, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 80 (so marked for identification), there are two crosses opposite the name White, Union Labor.
- Mr. DIBBLE. The objection is denied.

#### FOURTEENTH PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelopes containing the ballots cast in the fourteenth precinct of the Fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 72 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 72 ballots offered by contestee 58 are unobjectionable ballots; but to the following 14 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the cross opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the second precinct of the Fortieth assembly district.)

The 14 ballots to which contestant objects are numbered 19, 98, 49, 55, 29, 31, 123, 129, 66, 173, 117, 61, 52, 142, and the objections are as follows:

No. 19, there is an erasure after the name Trask, Democratic party.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 98, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 49, there is a cross in the wrong square after amendment No. 8.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 55, there are crosses in the wrong square after amendments Nos. 3 and 6.

Mr. TEVLIN. The objection is denied.

- Mr. DIBBLE. No. 29, there is a cross in the wrong square after amendment No. 1.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 31, the name Livernash is voted for in both the Democratic and Union Labor columns.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 123, there is a cross in the wrong square over amendment No. 1.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 129, there is a pencil erasure in the voting square after the name Langdon, Democratic column.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 66, there is an erasure after the name Braunhart, Democratic column; and the name Liverhash is voted in both the Democratic and Union Labor columns.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 173, there are two crosses in the voting square after the name Richards.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 117, the name Livernash is voted in both Democratic and Union Labor columns.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 61, there are crosses in the wrong squares after amendments Nos. 1 to 8, inclusive.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 52, there is a cross after the title judges of the superior court, Union Labor column.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 142, there are two crosses in the voting square after the name Brooks, Democratic column.
- Mr. TEVLIN. The objection is denied.
- There are 2 ballots upon which William Costley is voted for.
- There are 5 ballots upon which no Representative in Congress is voted for.
- There are 80 ballots upon which Mr. Kahn is voted for to which contestee makes no objection.
- There are 18 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:
- No. 22, two crosses opposite Hunt, Republican.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 174, there are two crosses opposite amendment No. 8.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 38, there are two crosses opposite Pardee, Republican.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 70, there are two crosses opposite Beatty, Republican.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 14, there are crosses in the wrong squares after amendments Nos. 1, 2, 3, and 4.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 13, there are two crosses opposite Kahn, Republican.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 103, two crosses opposite the name Kahn, Republican.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 162, there are crosses in the upper margin of the ballot.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 139, there are two crosses opposite the names Kirk and Shannon, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 85, there are two crosses opposite the names Webster and Dunn, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 149, there are identifying marks in ink opposite amendments Nos. 7 and 8.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 133, there is an attempted erasure and two crosses in the square opposite the name Langdon, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 83, there are two crosses in the square opposite the name Hunt, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 109, there is an identifying mark in upper square opposite amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 80, there are two crosses opposite the name Hallinan, Union Labor ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 177, there are two crosses opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 73, there are two crosses opposite the names Long, Dunn, and Van Nostrand, Republican ticket. Also identifying marks opposite amendments 7, 8, and 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 136, the voter has marked his ballot in lead pencil. On the back of this ballot there is in writing, subscribed by the election officers, the following: "Rejected; marked with pencil."

Mr. DIBBLE. The objection is denied.

### FIFTEENTH PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifteenth precinct of the Fortieth assembly district are then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 51 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 51 ballots offered by contestee 44 are unobjectionable ballots; but to the following 7 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections were stated to Mr. Dibble's objections to ballots cast in the second precinct of the Fortieth assembly district.)

The 7 ballots to which contestant objects are numbered 48, 53, 1, 12, 62, 161, and 140, and the objections are as follows:

No. 48, two crosses in the voting square after the name Hallinan, Union Labor column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 53, two crosses in the voting square after the name Rosborough, Democratic column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 1, cross in the wrong square after amendment No. 8.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 12, the name Livernash voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 62, two crosses in the voting square after the name Livernash, Democratic column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 161, blot in the Union Labor column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 140, two crosses in the voting square after amendment No. 8.

Mr. TEVLIN. The objection is denied.

There are two ballots upon which William Costley is voted for.

There are 2 ballots upon which there is no vote for Representative in Congress.

There are 83 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 36 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 124, there is a mark in red ink on the back of the ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 174, there are marks in red ink on the back of the ballot.

Mr. DIBBLE. The objection is denied.



Mr. TEVLIN. No. 94, there are two crosses opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 188 (so marked for identification), two crosses opposite the names Jordan and Webster, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 150, there are two crosses opposite the name Dockweiler, Democratic ticket, and markings in red ink.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 160, two crosses opposite the name Currey, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 95, identifying marks in red ink in the Democratic column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 169, two crosses opposite the names Woodman and Dunne, Democratic ticket, and marks in red ink on back of ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 171, there are two crosses opposite the names Reeves, Webb, and Shaw, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 128, there are two crosses opposite the name Beatty, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 173, there is a mark in red ink in the Democratic column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 90, there are two crosses opposite the name Jordan, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 20, there are identifying, yellowish marks in the space allotted to amendment No. 3.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 166, two crosses opposite the name Braunhart, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 126, two crosses opposite the names Lane and Carroll, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 200 (so marked for identification), two crosses opposite the name Hebbard, Republican ticket, and opposite Farnsworth and Sullivan, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 73, two crosses opposite Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 69, identifying mark in red ink in Prohibition column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 138, there is a cross in the wrong squares opposite amendments Nos. 1, 3, 4, 6, 7, 8, and 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 125, two crosses opposite the name Fritz, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 144, two crosses opposite the name Van Nostrand, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 44, there are identifying marks in red ink in the Democratic column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 151, there is an erasure in upper voting square opposite amendment No. 7.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 123, there are two crosses in upper voting square opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 86, two crosses opposite the name Beatty, Republican ticket; and opposite amendment No. 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 9, there is an erasure opposite the names Fritz and Baggett Democratic column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 4, two crosses opposite the names Kahn and Koch, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 100, there is an identifying mark in lead pencil in lower voting square opposite amendment No. 7.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 34, there is an identifying mark in voting square opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 50, there is an identifying mark in ink at the foot of column for Independent nominations.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 32, there is a cross opposite the title justices of the peace, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 3, two crosses opposite the name Kirk, Republican ticket; also in voting square opposite amendment No. 7.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 5, two crosses opposite the names Jordan, Andrew, and Van Nostrand, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 6, two crosses opposite the name Trask, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 88, there are identifying marks in lead pencil over the name Hunt, in the Republican column, and the name Fritz, in the Democratic column; also a cross opposite title of office judges of the superior court, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 110, there is an identifying mark, to wit, writing in lead pencil, in the blank column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. The last 2 ballots are indorsed "Void, marked ballot."

Mr. DIBBLE. Contestant claims that ballot No. 110 should have been counted.

Here an adjournment was taken until March 28, 1903, at 9 o'clock a. m.

MARCH 28, 1903—9 o'clock a. m.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the sixteenth precinct of the Fortieth assembly district, and in the first, second, third, and fourth precincts of the Forty-first assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### SIXTEENTH PRECINCT, FORTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixteenth precinct of the Fortieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 46 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 46 ballots offered by contestee 37 are unobjectionable ballots; but to the following 9 ballots contestant objects, upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the second precinct of the Fortieth assembly district.)

The 9 ballots to which contestant objects are numbered as follows: 183, 186, 47, 69, 55, 106, 44, 41, and 13, and the objections are as follows:

No. 183, the name Langdon is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 186, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

- Mr. DIBBLE. No. 47, there is an erasure after the name Kahn, Republican column.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 69, there are ink blots in the Democratic column.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 55, two crosses in the voting square after amendment No. 3.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 106, the name Livernash is voted for in both the Democratic and Union Labor columns.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 44, two crosses in the voting square after the name Lane, Democratic ticket.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 41, the name Livernash is voted for in both the Democratic and Union Labor columns.
- Mr. TEVLIN. The objection is denied.
- Mr. DIBBLE. No. 13, an erasure after the name Hunt. This ballot is indorsed "Rejected on account of identification marks," and signed by the election board.
- Mr. TEVLIN. The objection is denied.
- There are 2 ballots upon which there is no vote for Representative in Congress.
- There are 121 ballots on which Mr. Kahn is voted for to which contestee makes no objections.
- There are 27 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:
- No. 152, two crosses opposite amendment No. 9, one of them on the marginal line.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 104, erasure in upper voting square opposite amendment No. 3.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 93, two crosses opposite the name Shannon, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 144, there is a cross opposite title of office judges of the superior court, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 91, two crosses opposite the names Jordan and Susman, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 24, two crosses opposite the name Trask, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 96, there is a cross on the line dividing the voting squares opposite the names Van Nostrand and Bauer, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 95, two crosses opposite the name Kahn and two crosses opposite the name Susman, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 121, two crosses in the voting square opposite amendment No. 7.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 127, two crosses opposite the names Angelotti and Shaw, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 165, two crosses in the voting square opposite amendments Nos. 2 and 6.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 165, there is an identifying mark in ink in the Prohibition column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 184, two crosses opposite the name Sullivan, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 181, two crosses opposite the name Angelotti, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 140, two crosses opposite the names Webster and Hebbard, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 169, two crosses opposite the names Webster and Van Nostrand, Republican ticket; and a cross in the wrong square opposite amendment No. 6.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 164, two crosses opposite the names Curry, Jordan, Hebbard, and Koch, Republican ticket.



- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 35, two crosses opposite the name Lane, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 71, two crosses opposite the names Woodburn, Democratic ticket; and also a cross on the marginal line in the upper left corner of the ballot.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 68, there is an erasure in the upper voting square opposite amendment No. 1; also an erasure in the upper voting square opposite amendment No. 2.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 27, there are two crosses opposite the names Long, Van Nostrand, and Susman, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 66, two crosses opposite the names Kahn and Webster, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 117, there is a cross opposite title of office judges of the superior court, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 6, two crosses opposite amendment No. 2.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 9, two crosses opposite the names Reeves and Shaw, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 14, two crosses opposite the name Pardee, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 3, two crosses opposite the name Woods, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 125, there are identifying marks in lead pencil in the Republican column. This ballot is indorsed "Rejected on account of identifying marks," and the indorsement is subscribed by the election officers.
- Mr. DIBBLE. The objection is denied.

#### FIRST PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the first precinct of the Forty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 86 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 86 ballots offered by contestee 76 are unobjectionable; but to the following 10 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

Mr. TEVLIN. Contestee objects to counsel for contestant noting any objections to ballots cast in this precinct, or in any precinct of the Forty-first assembly district, on which there is a cross made by the voting stamp in the square opposite the name of Mr. Livernash, on the grounds:

First. That all such ballots which might be objected to, or to which counsel for contestant may assert any objection or objections to their being counted as votes for contestee, should have been produced by contestant as evidence in support of the allegations contained in his notice of contest and within the time limited by law for the production of such evidence, and should have been then objected to.

Second. That the time within which contestant could and should offer evidence as to invalid votes cast for contestee has expired.

And contestee makes the further objection that the proposed objections do not go to any matter alleged in the notice of contest herein, or to any fact in issue between the parties to this proceeding, in that it is not charged, either in the notice of contest or in the answer thereto, that any illegal or invalid ballots, or any ballots in any way objectionable, were either cast or counted for contestee in this precinct, or in any precinct of this district except the third and fifth.

Mr. DIBBLE. The 10 ballots to which contestant objects are numbered 82, 23, 64, 188, 1, 41, 30, 153, 91, and 46, and the objections are as follows:

No. 82, erasure after the name Cook, Republican.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 23, two crosses in the voting square after the names Anderson and Colgan, Republican.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 64, erasure after amendments Nos. 3 and 4.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 188, the name Livernash is voted in both the Democratic and Labor Union columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 1, the name Langdon is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 41, two crosses in the voting square after amendment No. 8.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 30, two crosses in the voting square after the name Richards.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 153, pencil lines about 12 inches in length in the Socialist column, Prohibition column, Union Labor, Independent and blank columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 91, Kahn is also voted for on this ballot.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 46, voted in lead pencil. This ballot is indorsed "Rejected for the reason that it is marked with pencil." and signed by the officers of the election board.

Mr. TEVLIN. The objection is denied.

There are 3 ballots upon which the name William Costley is voted for.

There are 2 ballots upon which Joseph Rowell is voted for.

There are 11 ballots upon which there is no vote for Representative in Congress.

There are 91 ballots upon which Mr. Kahn is voted for to which contestee makes no objection.

There are 20 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 133, two crosses in the voting square opposite amendment No. 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 134, two crosses opposite the name Shaw, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 71, two crosses in the voting square opposite the name Baggett, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 150, two crosses in the voting square opposite amendment No. 4.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 65, there is an erasure in the upper voting square opposite amendment No. 4.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 28, there is a cross to the left of the name Gett, Democratic ticket, not in the voting square.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 17, there is an identifying mark, to wit, writing in lead pencil in the blank column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 106, two crosses in the voting square opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 129, two crosses in the voting square opposite amendment No. 5, and also opposite the name Koch, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 130, there is an identifying mark in ink at the head of the Prohibition ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 44, two crosses opposite the names Reeves, Andrew, and Hunt, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 34, two crosses opposite the name Kirk, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 111, there is a cross not in the voting square, opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 161, two crosses in the voting square opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 209, two crosses in the voting square opposite the name Kirk, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 210, two crosses in the lower voting square opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 205, there is a cross opposite title of office judges of the superior court, Republican column; and a cross not in the voting square, opposite amendments Nos. 1, 2, and 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 15, two crosses opposite the name Kirk, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 52, two crosses in the voting square opposite the name Colgan, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 9, two crosses in the voting square opposite the name Van Nostrand, Republican ticket.

Mr. DIBBLE. The objection is denied.

## SECOND PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the second precinct of the Forty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 92 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 92 ballots offered by contestee 84 are unobjectionable ballots. This offer, however, includes 8 ballots—numbered 64, 104, 8, 89, 125, 26, 27, and 5—objected to by contestant on production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-first assembly district.)

Mr. TEVLIN. There is one ballot on which William Costley is voted for.

There are two ballots, numbered 164 and 83, upon which both Kahn and Livernash are voted for.

There are two ballots upon which there is no vote for Representative in Congress.

There are 75 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 13 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 135, two crosses opposite the name Lux, Republican, and opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 166, there is an identifying mark in the upper voting square opposite amendment No. 4.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 20, there is an identifying mark in the voting square opposite the name Lux, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 115, two crosses in the voting square opposite the name Koch, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 91, there is an identifying mark in the lower voting square opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 9, there is an identifying mark in purple ink opposite the name Beatty, Republican, and opposite the name Livernash, Democratic; and contestee claims that both Kahn and Livernash are voted for on this ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 24, there are identifying marks, to wit, a number of crosses in the voting square opposite the name Lane, Democratic column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 48, there is an identifying mark, to wit, an erasure or partial erasure opposite the name Shannon, Republican ticket.



Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 28, there are two crosses opposite the name Shaw, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 105, two crosses in the square opposite the name Lane, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 175, there is a cross on the line dividing the voting square opposite the name Webster and the space opposite the title judges of the superior court, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 148, there is an identifying mark in the lower voting square opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 109, there is a cross opposite the title of office judges of the superior court, Republican ticket.

Mr. DIBBLE. The objection is denied.

### THIRD PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the third precinct of the Forty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 119 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 119 ballots offered by contestee 100 are unobjectionable ballots. This offer, however, includes 19 ballots—numbered 98, 112, 2, 11, 20, 94, 97, 140, 49, 119, 8, 101, 118, 207, 38, 63, 80, 24, and 66—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There is 1 ballot upon which William Costley is voted for.

There is 1 ballot upon which there is no vote for Representative in Congress.

There is 1 ballot, No. 172, upon which both Kahn and Livernash have been voted for.

There are 71 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 18 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 181, there is an identifying mark, to wit, a puncture in the right-hand margin of the ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 184, two crosses in the voting square opposite the name Lane, Democratic.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 98, identifying mark in the voting square opposite the name Lux, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 120, two crosses in the voting square opposite the name Kahn, Republican; an identifying mark in purple ink at the head of Union Labor column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 130, identifying mark opposite the name Andrew, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 126, two crosses in the lower voting square opposite amendment No. 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 138, two crosses in the lower voting square opposite the name Pardee, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 88, there is a cross in the right-hand margin of the ballot opposite amendment No. 2.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 4, there is an identifying mark in ink at the head of Socialist ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 135, there is an identifying mark in the upper voting square opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 27, two crosses in the voting square opposite the name Hebbard, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 73, two crosses in the voting square opposite the name Angelotti, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 175, there is an identifying mark in the voting square opposite the name Jordan, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 168, there is an identifying mark in the voting square opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 14, two crosses in upper voting square opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 188, there are erasures or attempted erasures in the lower voting squares opposite amendments Nos. 1, 2, 3, 5, and 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 182, there are identifying marks in ink, to wit, the word "yes," opposite amendments Nos. 3, 5, 6, 7, 8, and 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 160, there is an identifying mark, to wit, a cross on the right-hand marginal line, opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

#### FOURTH PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourth precinct of the Forty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 89 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 89 ballots offered by contestee, 74 are unobjectionable ballots; but to the following 15 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objection to the proposed objections of counsel for contestant in the same terms in which his said objection is heretofore stated to the proposed objections of Mr. Dibble to ballots cast in first precinct of the Forty-first assembly district.)

Mr. DIBBLE. The 15 ballots to which contestant objects are numbered 80, 59, 86, 131, 201, 138, 119, 221, 215, 44, 76, 16, 174, 54, and 137, and the objections are as follows:

No. 80, two crosses in the voting square after the name Delaney, Democratic.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 59, a cross in the Union Labor column not within a voting square.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 86, erasure after amendment No. 1.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 131, the figure "5" written in lead pencil over the word "Fourth" in the column marked "Blank column."

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 201, two crosses in the voting square after the name Livernash, in the Union Labor column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 138, two crosses in the voting square after the name Alford, Democratic.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 119, erasure after the name Braunhart, Democratic.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 221, two crosses in the voting square after amendment No. 6.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 215, a cross over the words "Edward J. Livernash," Union Labor.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 44, the name Langdon is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 76, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 16, two crosses in the voting square after the name Lawson, Union Labor.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 174, an attempted erasure after the names Stewart and Blanchard, Prohibition.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 54, a cross in the wrong square after amendment No. 1.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 137, an erasure after the name Hebbard, Republican column.

Mr. TEVLIN. The objection is denied.

There are 10 ballots on which there is no vote for Representative in Congress.

There are 93 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 20 ballots to which contestee makes the object on that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 160, two crosses in the voting square after amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 150, cross not in the voting square after amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 155, two crosses after the name Lux, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 124, two crosses in the voting square after the name Fritz, Democratic ticket. Also after amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 102, two crosses after the name Hebbard, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 230, a cross on the line dividing voting squares opposite the names Dunne and Fritz, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 213, a cross opposite titles of office, judges of the superior court and justices of the peace, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 177, two crosses opposite Shannon, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 186, two crosses opposite the names Shaw and Koch, Republican ticket, and opposite amendment No. 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 22, crosses not in voting squares opposite amendments Nos. 1, 2, and 3.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 178, identifying mark in ink, upper left-hand margin of ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 27, two crosses in voting square after amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 67, two crosses in voting square after the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 117, two crosses after the name Hebbard, Republican ticket, and after amendment No. 3.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 41, two crosses after the name Anderson, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 214, two crosses after the name Daniels, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 183, identifying mark in ink, head of Union Labor ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 121, two crosses opposite the names Curry and Jordan, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 82, crosses not in voting squares opposite constitutional amendments.



Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 151 (so marked for identification), cross not in voting square opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 34, identifying mark, to wit, an erasure in upper voting square opposite amendment No. 8; also two crosses opposite amendment No. 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 13, two crosses in voting square opposite the name Webster, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 107, two crosses opposite the name Van Nostrand, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 21 (so marked for identification), two crosses after the name Kirk, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 87, two crosses after the name Van Nostrand, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 152, two crosses after the name Beatty, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 93, two crosses after the names Anderson and Shannon, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 188, two crosses after the name Webster, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 14, two crosses after the name Daniels, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 31, identifying mark, attempted erasure after the name Fritz, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Here a recess was taken until 2 o'clock p. m.

2 O'CLOCK P. M.

The inspection of the ballots was resumed.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the fifth, sixth, seventh, eighth, ninth, and tenth precincts of the Forty-first assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### FIFTH PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifth precinct of the Forty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 107 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 107 ballots offered by contestee 94 are unobjectionable ballots. This offer, however, includes 13 ballots—numbered 91, 14, 127, 170, 52, 1, 122, 41, 152, 76, 177, 131, and 50—objected to by the contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted, for the reasons there specified.

Mr. TEVLIN. There are 2 ballots on which William Costley is voted for.

There are 6 ballots on which there is no vote for Representative in Congress.

There are 54 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 12 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 55, identifying marks after amendment No. 5.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 135, two crosses in voting square after amendment No. 5.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 110, two crosses in voting square opposite the name Lane, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 32, two crosses in voting square opposite the name Trask, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 35, two crosses in voting squares opposite the names Curry and Angelotti, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 107, identifying mark, to wit, erasures to the left of names Lane and Dockweiler, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 75, two crosses in the voting square opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 163, two crosses in voting square opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 10, two crosses in voting square opposite amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 51, two crosses in the voting squares opposite the amendments.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 30, two crosses in voting square opposite the name Hebbard, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 123, two crosses opposite the names Andrew and Lux, Republican.

Mr. DIBBLE. The objection is denied.

#### SIXTH PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixth precinct of the Forty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 81 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 81 ballots offered by contestee 73 are unobjectionable ballots. This offer, however, includes 8 ballots—numbered 183, 99, 120, 25, 29, 23, 105, and 119—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted, for the reasons there specified.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-first assembly district.)

Ballot No. 183 was torn vertically in two during the recount.

Mr. TEVLIN. There are 4 ballots upon which William Costley is voted for.

There are 8 ballots upon which no vote is given for Representative in Congress.

There are 2 ballots, Nos. 97 and 43, upon which both Mr. Kahn and Mr. Livernash are voted for Representative in Congress.

There is 1 ballot, No. 42, upon which the names Costley and Livernash are both voted for Representative in Congress.

There are 67 ballots upon which Mr. Kahn is voted for to which contestee makes no objection.

There are 9 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 156, two crosses in the voting square opposite the name Reeves, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 165, there is a cross not in the voting square opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 6, two crosses in the voting square opposite the name Jenks, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 145, 2 crosses in the square opposite the name Brown, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 8, there are crosses not in the voting squares, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 115, two crosses in the voting square opposite the name Colgan (?), Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 129, there is an identifying mark, to wit, an erasure, in the voting square opposite the name Curry, Republican ticket; also two crosses in the upper square opposite amendment No. 8, and an erasure in the lower square opposite said amendment.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 52, there is an identifying mark, to wit, an erasure, in the voting square opposite the name Curry, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 7, there is an erasure opposite the name Andrew, Republican.

Mr. DIBBLE. The objection is denied.

#### SEVENTH PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventh precinct of the forty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 58 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 58 ballots offered by contestee 54 are unobjectionable ballots, but to the following 4 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the forty-first assembly district.)

The 4 ballots to which contestant objects are numbered 132, 202, 34, and 175, and the objections are as follows:

No. 132, there is a blot in the right margin of the ballot, and a cross in the column marked "Union Labor column" not within the voting square.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 202, two crosses in the voting square after the name Hunt, Republican ticket.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 34, a cross after the title "Judges of the superior court," Union Labor column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 175, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

There is 1 ballot on which William Costley is voted for.

There are 7 ballots on which there is no vote for Representative in Congress.

There are 112 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 32 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 71, crosses not in voting squares opposite amendments Nos. 1, 3, 5, 6, and 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 93, two crosses in the voting square opposite amendments Nos. 3 and 4.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 190, there is an erasure in the lower voting square opposite amendment No. 5.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 11, there is an identifying mark in the voting square opposite the name Hebbard, Republican; also an identifying mark in the blank column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 125, there are two crosses in the voting square opposite the name Hunt, Republican.

Mr. DIBBLE. The objection is denied.



Mr. TEVLIN. No. 157, there are identifying marks in lead pencil in the lower voting squares opposite amendments Nos. 3 and 5.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 150, there is an erasure, or an attempted erasure, in the lower voting square opposite amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 199, there is an identifying mark in the voting square opposite amendment No. 5.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 79, two crosses in the voting squares opposite the names Daniels and Van Nostrand, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 109, there is an erasure, or attempted erasure, in the lower voting square opposite amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 127, two crosses in the voting square opposite the name Curry, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 78, there are crosses not in voting squares opposite amendments Nos. 1, 2, 3, and 4.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 211, two crosses in the voting square opposite the name Lux, Republican ticket, and two crosses in the voting square opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 57, there is an identifying mark in the voting square opposite the name Curry, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 137, there is an erasure, or attempted erasure, opposite the name Law, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 67 (so marked for identification), there is an identifying mark in the voting square opposite the name Curry, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 22, there is a cross not in the voting square opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 20, two crosses in the voting square opposite the amendment No. 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 95, two crosses in the voting square opposite the name Lux, Republican ticket, and the name Fritz, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 99, there are two crosses in the voting square opposite the name Daniels, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 103, there is an identifying mark in voting square opposite the name Beatty, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 209, there is an identifying mark in lead pencil in the upper voting square opposite amendment No. 7.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 87, there are two crosses in the voting square opposite amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 68, there is a cross opposite the title "Judges of the superior court," Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 49, there is an identifying mark, to wit, an erasure or an attempted erasure in upper voting square opposite amendment No. 8.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 60, two crosses in the voting square opposite the name Lux, Republican column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 80, there is a cross not in the voting square to the left of the name Angelotti, Republican ticket; and to the left of the name Trask, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 114, there is an identifying mark in voting square opposite the name McClellan, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 144, there is an identifying mark upon the line dividing the voting squares opposite the names Van Nostrand and Lux, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 28, there is an identifying mark in the voting square opposite the name Lane, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 156 (so marked for identification), there are two crosses in the voting square opposite the name Lux, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 85, two crosses in the voting square opposite the name Angelotti, Republican ticket.

Mr. DIBBLE. The objection is denied.

#### EIGHTH PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighth precinct of the Forty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 33 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 33 ballots offered by contestant 73 are unobjectionable ballots; but to the following 10 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objection to the proposed objections of counsel for contestant in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-first assembly district.)

The 10 ballots to which contestant objects are numbered 30, 48, 56, 179, 155, 144, 118, 105, 70, 161, and the objections are as follows:

No. 30, crosses in the wrong square after amendments Nos. 1, 4, and 5.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 48, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 56, an erasure after the name Lister, Union Labor column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 179, a cross in the right-hand margin of ballot.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 155, crosses in the wrong squares after amendments Nos. 1, 2, and 3.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 144, a cross after the title "Judges of the superior court," Union Labor party, and a pencil erasure in the Democratic column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 118, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 105, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 70, two crosses in the voting square after amendment No. 7.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 161, a cross in front of the names of the Democratic and Republican columns. This ballot is indorsed "Rejected because not marked in proper column," and signed by the precinct election officers.

Mr. TEVLIN. The objection is denied.

There are 6 ballots upon which William Costley is voted for.

There is 1 ballot, No. 13, upon which both Kahn and Livernash are voted for.

There are 3 ballots upon which there is no vote for Representative in Congress.

There are 99 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 13 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 79, two crosses in the voting square opposite amendment No. 5.

- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 23, attempted erasure opposite the name Fritz, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 49, a cross on the line dividing the voting squares opposite the names Long and Dunn, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 65, two crosses in the square opposite the name Pardee, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 140, erasure in voting square opposite the name Webb, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 150, a cross on line dividing voting square opposite the name Webster and space opposite title of office judges of the superior court, Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 205, identifying marks in voting squares opposite the names Anderson and Curry, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 200, identifying mark in voting square opposite the name Woods, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 176, identifying mark in square opposite the name Anderson, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 52, two crosses in the voting square opposite the name Hebbard, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 7, crosses not in voting squares opposite constitutional amendments.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 185, identifying mark in voting square opposite the name Angelotti, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 2, two crosses opposite the name Webster, Republican ticket; and an identifying mark, to wit, attempted erasure opposite the name Hunt, Republican ticket.

#### NINTH PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the ninth precinct of the Forty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 29 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 29 ballots offered by contestee 22 of them are unobjectionable ballots; but to the following 7 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objection to the proposed objections of counsel for contestant in the same terms in which his said objection is heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-first assembly district.)

The seven ballots to which contestant objects are numbered as follows: Nos. 2, 136, 92, 160, 50, 19, and 108, and the objections are as follows:

No. 2, there is a cross in the wrong square after amendment No. 8.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 136, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 92, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 160, two crosses in the voting square after amendment No. 8.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 50, a cross in the wrong square after amendment No. 9.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 19, a cross in the wrong square after amendment No. 8.



Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 108, two crosses in the voting square after the name Carroll, Democratic column.

Mr. TEVLIN. The objection is denied.

There are 2 ballots upon which there is no vote for Representative in Congress.

There are 105 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 47 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 40, there are two crosses in the voting square after the names Lindsay and Trask, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 170, there are crosses not in the voting squares opposite each of the constitutional amendments.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 98, two crosses in the voting square opposite the name Daniels, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 146, two crosses in the voting square after the name Kirk, Republican ticket, and a cross not in a voting square after amendment No. 1.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 150, two crosses in the voting square opposite the name Jordan, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 163, there is a cross on the line dividing the voting squares opposite the names Koch and Daniels, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 180, two crosses in the voting square after the name Dunne, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 183, two crosses in the voting square after the name Lane, Democratic ticket; also two crosses in the voting square opposite the name Van Nostrand, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 54, two crosses in the voting square after the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 47 (so marked for identification), two crosses in the voting square opposite the name Pardee, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 181, two crosses in the voting square opposite the amendment No. 7.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 113, two crosses in the voting square opposite the name Dunn, Republican ticket; and opposite the name Brauhart, Democratic ticket; and also an identifying mark, to wit, an erasure, opposite the name Livernash, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 101, two crosses in the voting square opposite the name Kahn, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 174, two crosses in the square after amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 100, two crosses in the voting square after the name Koch, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 42, two crosses in the voting square after the name Colgan, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 169, two crosses in the voting square after the name Cook, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 168, two crosses in the voting square opposite amendment No. 6; also an attempted erasure opposite the name Reeves, Republican ticket.

Mr. DIBBLE. The objection is denied.

- Mr. TEVLIN. No. 172, two crosses after amendment No. 5.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 127, two crosses in the voting square opposite the name Kirk, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 167, there is a cross not in the voting square after amendment No. 4.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 70, there is an identifying mark, to wit, an ink mark, in the Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 154, there are two crosses in the voting squares opposite the names Reeves and McClellan, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 20, two crosses in the voting square after the name Anderson, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 25, two crosses in the voting square after the name Koch, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 166, two crosses in the voting square after the name Hebbard, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 147, two crosses in the voting squares after the names Colgan, Daniels, and Van Nostrand, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 45, there are identifying marks, to wit, ink blots in the upper margin of ballot.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 173, there are two crosses after the names Webb and Beatty, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 28, two crosses in the square opposite amendment No. 3.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 43, two crosses opposite the name Anderson, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 97, two crosses in the voting square opposite the names Pardee and Van Nostrand, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 35, two crosses in the voting square after the name Trask, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 22, two crosses after the name Gett, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 87, two crosses after the name Pardee, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 27, two crosses after the name Reeves, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 24, two crosses in the voting square after amendment No. 6: also after amendment No. 3.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 13 (so marked for identification), there is an identifying mark in lead pencil opposite the name McClellan, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 71, there is an identifying mark in ink in the left-hand margin of ballot.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 90, there are two crosses in the voting square opposite the name Pardee, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 120, there are two crosses after the name Lux, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 119, two crosses opposite the name Lane, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 115, two crosses in the voting square opposite amendment No. 1.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 135, two crosses in the voting square opposite the name Pardee, Republican ticket.

- Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 93, there is a cross not in the voting square after amendment No. 1.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 132, identifying marks in lead pencil in the squares opposite the names Pardee and Anderson, Republican ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 56, there are identifying marks in lead pencil in voting squares opposite the names Shannon and Webster, Republican ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. The last two ballots are indorsed "Not counted because of being marked with pencil," and signed by the election officers.

## TENTH PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the tenth precinct of the Forty-first assembly district were then broken by the deputy registrar and the ballots inspected.

- Mr. TEVLIN. There are 23 ballots upon which Mr. Livernash has been voted for.  
 Mr. DIBBLE. Contestant objects to none of these ballots.  
 Mr. TEVLIN. There are 4 ballots on which there is no vote for Representative in Congress.  
 There are 141 ballots on which Mr. Kahn is voted for to which contestee makes no objection.  
 There are 18 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:  
 No. 62, two crosses in the voting square opposite the name Kahn, Republican ticket.

- Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 79, two crosses in the voting square opposite amendment No. 5.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 81, two crosses in the voting squares after the names Koch, Daniels, and Van Nostrand, Republican ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 91, two crosses in the voting square after the name Koch, Republican ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 130, identifying mark in voting square after the name Rosborough, Democratic ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 141, identifying mark in upper voting square after amendment No. 9.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 139, identifying mark in voting square opposite amendment No. 9.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 162, identifying marks in purple ink in Democratic column.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 166, identifying mark in voting square opposite the name Dockweiler, Democratic ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 185, two crosses in voting square opposite amendment No. 8.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 60, two crosses in voting square opposite the name Lux, Republican ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 74, two crosses in voting square opposite the name Cook, Republican ticket.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 3, crosses not in the voting squares opposite constitutional amendments.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 36, crosses not in voting squares opposite amendments Nos. 6 and 8.  
 Mr. DIBBLE. The objection is denied.  
 Mr. TEVLIN. No. 1, cross not in voting square opposite amendment No. 3.  
 Mr. DIBBLE. The objection is denied.



Mr. TEVLIN. No. 170, crosses not in voting squares opposite constitutional amendments.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 33, identifying mark in the voting square opposite the name Lane, Democratic ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 19, identifying mark in purple ink, blank portion of Socialist column.

Here an adjournment was taken until 9 o'clock a. m. March 30, 1903.

MARCH 30, 1903—9 o'clock a. m.

The inspection of the ballots was proceeded with.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the eleventh, twelfth, thirteenth, and fourteenth precincts of the Forty-first assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### ELEVENTH PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eleventh precinct of the Forty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 92 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 92 ballots offered by contestee 84 of them are unobjectionable ballots; but to the following 8 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objection to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-first assembly district.)

The 8 ballots to which contestant objects are numbered 201, 197, 46, 64, 33, 92, 187, and 52, and the objections are as follows:

No. 201, two crosses in the voting square after the name Lane, Democratic column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 197, a cross in the wrong square after amendment No. 8, and cross after the title Justices of the peace, Republican column.

No. 46, a cross in the wrong square after amendment No. 8 and a blot in the constitutional amendments column.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 64, an erasure after amendment No. 4.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 33, a cross in the wrong square after amendment No. 8.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 92, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 187, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 52, an erasure after the name Brown, Republican.

Mr. TEVLIN. The objection is denied.

There is 1 ballot on which Rowell is voted for.

There are 2 ballots, Nos. 58 and 14, on which both Kahn and Livernash are voted for.

There are 2 ballots on which there is no vote for Representative in Congress.

There are 93 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 20 ballots to which contestant makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 39, there is an ink blot in the column for Independent nominations.

- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 196, there are two crosses after the name Shaw, Republican ticket, and after amendment No. 5.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 207, there are two crosses in the voting square after the name Lux, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 204, there are two crosses after the name Lux, Republican ticket, and an erasure, or attempted erasure, in lower voting square after amendment No. 6.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 164, there is an identifying mark in ink at head of Union Labor column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 155, there is an identifying mark in the voting square opposite the name Brooks, Democratic ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 55, there are two crosses opposite the name Pardee, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 200, there are two crosses opposite the name Hebbard, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 109, two crosses opposite the name Pardee, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 69, there are ink blots in the Republican column.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 68, two crosses in the voting squares opposite the names Colgan, Shaw, Cook, and Koch, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 25, two crosses in both the voting squares opposite the amendment No. 4.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 119, two crosses opposite the name Kahn, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 137, two crosses opposite the name Woods, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 104, three crosses in the voting square opposite the name Shaw, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 72, there are crosses not in the voting squares opposite constitutional amendments.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 85, there is an identifying mark in upper voting square opposite amendment No. 2.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 1, there are two crosses opposite the name Long, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 186, two crosses opposite the name Hebbard, Republican ticket.
- Mr. DIBBLE. The objection is denied.
- Mr. TEVLIN. No. 48, there is a blot opposite title of office "For associate justices of the supreme court," Republican ticket.
- Mr. DIBBLE. The objection is denied.

#### TWELFTH PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelopes containing the ballots cast in the twelfth precinct of the Forty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 15 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 15 ballots offered by contestee 12 are unobjectionable ballots; but to the following 3 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a mark made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in

which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-first assembly district.)

The 3 ballots to which contestant objects are numbered 32, 56, and 141, and the objections are as follows:

No. 32, there is a cross in front of the name Fritz, Democratic.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 56, there is an erasure after amendment No. 6.

Mr. TEVLIN. The objection is denied.

Mr. DIBBLE. No. 141, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. The objection is denied.

There is 1 ballot on which Joseph Rowell is voted for.

There is 1 ballot on which there is no vote for Representative in Congress.

There are 182 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 19 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 166, there is an erasure opposite the name Baggett, Democratic.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 67, two crosses in the voting squares opposite the names Colgan and Shaw, Republican.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 150, two crosses in the voting square opposite amendment No. 2.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 84, there is an identifying mark in the voting square opposite the name Kirk, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 1, there is an identifying mark, to wit, ink blots, Prohibition column.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 2, there is an identifying mark in the voting square opposite the name Andrew, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 207 (so marked for identification), there is an identifying mark, to wit, a cross not in the voting square opposite the name Lux, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 190, two crosses in the voting square opposite the name Shannon, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 76, two crosses in the voting square opposite the name Kahn, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 212, there is an identifying mark in purple ink in the upper left-hand corner of the ballot.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 17, two crosses opposite the name Woods, Republican ticket; and after amendment No. 9.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 5, two crosses opposite the name Anderson, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 51, two crosses opposite the names Long and Lux, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 13, two crosses opposite the name Webster, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 34 (so marked for identification), there is an erasure in the lower voting square opposite amendment No. 6.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 80 (so marked for identification), two crosses in the voting square opposite the name Kirk, Republican ticket.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 151, there are crosses not in voting squares opposite constitutional amendments.

Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 203, there is an identifying mark, to wit, a word written in lead pencil opposite amendment No. 9.



Mr. DIBBLE. The objection is denied.

Mr. TEVLIN. No. 8, there is an identifying mark, to wit, an attempted erasure in lead pencil opposite the name Hunt, Republican ticket.

Mr. DIBBLE. The objection is denied.

### THIRTEENTH PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the thirteenth precinct of the Forty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 84 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 84 ballots offered by contestee 74 are unobjectionable ballots; but to the following 10 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objection to the proposed objections of counsel for contestant in the same terms in which his said objection is heretofore stated to Mr. Dibble's objections to ballots counted in the first precinct of the Forty-first assembly district.)

The 10 ballots to which contestant objects are numbered 111, 186, 195, 162, 51, 24 76, 147, 40, and 41, and the objections are as follows:

No. 147, cross in the wrong square after amendment No. 1.

No. 111, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 186, cross after the title "Justices of the peace," Union Labor column.

No. 195, two crosses in the voting square after the name Lane, Democratic ticket.

No. 162, No. 24, and No. 76, upon each of which the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 51, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 41, ballot marked in lead pencil. This ballot is indorsed "Void," and signed by the election officers.

No. 40, an erasure after the name Woodman, Democratic column.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 10 ballots should be counted as votes for Mr Livernash.

There are 4 ballots upon which William Costley is voted for.

There is 1 ballot, No. 145, upon which Costley, Rowell, and Livernash are voted for.

There is 1 ballot, No. 53, upon which Costley and Livernash are voted for.

There is 1 ballot upon which Rowell is voted for.

There are 5 ballots for which there is no vote for Representative in Congress.

There are 91 ballots upon which Mr. Kahn is voted for to which contestee makes no objection.

There are 10 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 190, there are identifying marks in the lower voting squares opposite amendments Nos. 1 and 2.

No. 89, two crosses in the voting square opposite the name Kahn, Republican ticket.

No. 127, two crosses in the voting square opposite amendment No. 8.

No. 185, two crosses in the voting square opposite the name McClellan, Republican ticket; also two crosses in the voting square opposite the name Daniels, Republican ticket.

No. 23, two crosses in the voting square opposite amendment No. 9. There is an erasure in the lower voting square opposite amendment No. 2.

No. 109, two crosses in the voting square opposite the name Guilfoyle, Union Labor ticket.

No. 53, there is an identifying mark, to wit, an ink blot, in the lower margin of the ballot.

No. 3, there are two crosses in voting square opposite amendment No. 8.

No. 59, two crosses in the voting square opposite the name Reeves, Republican ticket.

No. 100, there is an identifying mark in lead pencil opposite the name Koch, Republican ticket. This ballot is indorsed "void" and signed by the election officers.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 10 ballots and claims that they should be counted for contestant.

#### FOURTEENTH PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourteenth precinct of the Forty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 38 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 38 ballots offered by contestee 34 are unobjectionable ballots; but to the following 4 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-first assembly district.)

The 4 ballots to which contestant objects are numbered 57, 75, 80, and 96, and the objections are as follows:

No. 57, an erasure after the name Woodman, Republican; and the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 75, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 80, a cross in the wrong square, after amendment No. 8.

No. 96, an erasure after the name Woodman, Democratic ticket.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 4 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot, No. 40, on which both Kahn and Livernash are voted for.

There are 6 ballots on which there is no vote for Representative in Congress.

There are 127 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 21 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 124, two crosses in the voting square opposite the names Curry and Koch, Republican.

No. 17, two crosses in the voting square opposite the name Curry, Republican.

No. 164 (so marked for identification), two crosses in the voting square opposite the name Pardee. There is a cross on the line dividing the voting squares opposite the names Jordan and Kirk, Republican.

No. 152, two crosses in the voting square opposite the name McClellan, Republican.

No. 173, two crosses in the voting square opposite the name Koch, Republican ticket; also a cross on the line dividing the voting squares between the names Koch and Daniels, Republican ticket.

No. 148, two crosses in the voting square opposite amendment No. 9.

No. 29, two crosses in the voting square opposite amendment No. 9; also opposite the name Webster, Republican ticket.

No. 81, two crosses in the voting squares opposite the names Pardee and Colgan, Republican ticket.

No. 65, there is an identifying mark in the lower left-hand corner of ballot.

No. 88, two crosses in the voting square opposite the name Lux, Republican ticket.

No. 189, two crosses in the voting square opposite the name Hebbard, Republican ticket, and opposite amendment No. 6.

No. 73, crosses not in voting squares opposite constitutional amendments; also two crosses in voting squares opposite the names Shaw and Daniels, Republican ticket.

No. 35, two crosses in the voting square opposite the name Daniels, Republican ticket.

No. 3, two crosses in the voting square opposite the name Hebbard, Republican ticket; also a cross not in the voting square opposite amendment No. 4.

No. 5, two crosses in the voting square opposite amendment No. 1.

No. 7, there is an erasure in lower voting square opposite amendment No. 3.

No. 54, there is an erasure in the lower voting square opposite amendment No. 6.

No. 32, there is a cross not in the voting square opposite amendment No. 1.

No. 117, 2 crosses in the voting square opposite the name Van Nostrand, Republican ticket.

No. 19, 2 crosses in the voting squares opposite the names Pardee and Dunn, Republican ticket.

No. 9, two crosses in the voting square opposite the names Anderson, Curry, and Cook, Republican ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 21 ballots, and claims that they should be counted for contestant.

(Here a recess was taken to 2 o'clock p. m.)

2 O'CLOCK P. M.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the fifteenth precinct of the Forty-first assembly district, and in the first, second, third, fourth, and fifth precincts of the Forty-second assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### FIFTEENTH PRECINCT, FORTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifteenth precinct of the Forty-first assembly district were then broken by the deputy registrar, and the ballots inspected.

Mr. TEVLIN. There are 100 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 100 ballots offered by contestee 83 are unobjectionable ballots. This offer, however, includes 17 ballots—numbered 127, 43, 29, 133, 126, 166, 120, 5, 46, 57, 99, 60, 153, 177, 165, 44, and 4—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 6 ballots on which William Costley is voted for.

There are 2 ballots on which Rowell is voted for.

There is 1 ballot on which Irving M. Scott is voted for.

There are 6 ballots on which there is no vote for Representative in Congress.

There are 45 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 23 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 161, two crosses in the voting square opposite the name Pardee, Republican.

No. 52, there is an erasure in the voting square opposite the name Dunn, Republican.

No. 140, two crosses in the voting square opposite the name Kahn, Republican.

No. 35, two crosses in the voting squares opposite the names Dunn and Lux, Republican.

No. 104, two crosses in the voting squares opposite the names Lane and Dockweiler, Democratic.

No. 121, there are erasures in voting squares opposite the names Livernash, Langdon, Dunne, and Carroll, Democratic; and an ink mark in the right-hand margin of the ballot.

No. 115, two crosses in the voting square opposite the name Law, Democratic.

No. 170, two crosses in the voting squares opposite the names Shannon and Angelotti, Republican; also in the voting square opposite the name Dockweiler, Democratic ticket.

No. 101, two crosses in the voting square opposite the name Pardee, Republican ticket.

No. 149, there is a cross not in the voting square after amendment No. 8.

No. 158, two crosses in the voting square opposite amendment No. 4; also two crosses in the voting square after the name Delaney, Democratic ticket.

No. 119, two crosses in the voting square opposite the name Pardee, Republican ticket; also a cross in the blank column under title of office "For judges of the superior court."

No. 70, two crosses in the voting square opposite the name Woods, Republican ticket.



No. 167, two crosses in the voting square opposite the name Cook, Republican ticket.

No. 137, two crosses in the voting square opposite the names Reeves, Webb, and Woods, Republican ticket.

No. 2, two crosses in the voting square opposite the name Fritz, Democratic ticket.

No. 160, there is an attempted erasure opposite the name Shaw, Republican ticket.

No. 55, there is an identifying mark in the voting square opposite the name Hebbard, Republican ticket.

No. 24, two crosses in the voting square after amendment No. 8.

No. 116, two crosses in the voting square after the name Hebbard, Republican ticket.

No. 45, two crosses in the voting square opposite the name Pardee, Republican ticket.

No. 179, two crosses in the voting square after the name Angelotti, Republican ticket.

No. 183, two crosses in the voting square after the name Dunn, Republican ticket; and after the name Langdon, Democratic ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 23 ballots and claims that they should be counted for contestant.

### FIRST PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the first precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 82 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 82 ballots offered by contestee 73 of them are unobjectionable; but to the following 9 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

Mr. TEVLIN. Contestee objects to counsel for contestant noting any objections to ballots cast in this precinct, or in any precinct of the Forty-second assembly district, on which there is a cross made by the voting stamp in the square opposite the name of Mr. Livernash, on the grounds:

First. That all such ballots which might be objected to, or to which counsel for contestant may assert any objection or objections to their being counted as votes for contestee, should have been produced by contestant as evidence in support of the allegations contained in his notice of contest and within the time limited by law for the production of such evidence, and should have been then objected to.

Second. That the time within which contestant could and should offer evidence as to invalid votes cast for contestee has expired.

Mr. DIBBLE. The 9 ballots to which contestant objects are numbered 173, 142, 150, 105, 58, 16, 64, 70, and 196, and the objections are as follows:

No. 173, two crosses in the voting square after amendment No. 2.

No. 142, an erasure after amendment No. 9 and after the name White, Union Labor column.

No. 150, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 105, there is a cross in the right-hand margin of the ballot.

No. 58, there is a cross in the wrong square after amendment No. 8.

No. 16, two crosses in the voting square after the name Lane, Democratic ticket.

No. 64, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 70, the name Livernash is voted for in both the Democratic and Union Labor columns, and there are two crosses in the voting square after the name Livernash in the Democratic column.

No. 196, the ballot is voted in lead pencil. On the back of the ballot is written the following: "This ballot was not counted, the crosses having been made with lead pencil instead of voting stamp," and is signed by the election officers.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 9 ballots should be counted as votes for Mr. Livernash.

There are 3 ballots on which William Costley is voted for.

There are 2 ballots on which there is no vote for Representative in Congress.

There are 97 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 13 ballots to which contestee makes the objection that they are invalid

and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

- No. 125, two crosses in the voting square after amendment No. 1.
  - No. 53, two crosses in the voting square after amendment No. 3.
  - No. 10, two crosses in the voting square after amendment No. 8.
  - No. 52, two crosses in the voting square after the name Sullivan, Democratic ticket.
  - No. 8, two crosses in the voting square after the name Barber, Republican ticket.
  - No. 6, two crosses in the voting square after the name Mueller, Union Labor ticket.
  - No. 88, there is an erasure after the name Dunn, Republican ticket.
  - No. 172, two crosses in upper voting square after amendment No. 2 and two crosses in right-hand margin of the ballot.
  - No. 1, two crosses in voting square after amendment No. 6.
  - No. 7, there is a cross not in the voting square after amendment No. 1.
  - No. 27, two crosses after the name Langdon, Democratic ticket.
  - No. 133, two crosses after the names Curry, Beatty, Webster, and McClellan, Republican ticket.
  - No. 125, two crosses after the name Reeves, Republican ticket.
- Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 13 ballots, and claims that they should be counted for contestant.

## SECOND PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the second precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 95 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 95 ballots offered by contestee 86 of them are unobjectionable ballots; but to the following 9 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objection to the proposed objections of counsel for contestant in the same terms in which his said objection is heretofore stated to Mr. Dibble's objections to ballots counted in the first precinct of the Forty-second assembly district.)

The 9 ballots to which contestant objects are numbered 108, 82, 161, 49, 53, 119, 120, 188, 152, and the objections are as follows:

- No. 108, two crosses in the voting square after the name Cook, Republican ticket.
- No. 82, there are pencil crosses in the Democratic column.
- No. 161, two crosses in the voting square after amendment No. 3.
- No. 49, two crosses in the voting square after the name Trask, Democratic ticket.
- No. 53, two crosses in the voting square after the name Brauhart, Democratic.
- No. 119, two crosses in the voting square after amendment No. 9.
- No. 120, the name Livernash is voted for in both the Democratic and Union Labor columns; and there is a cross after the title "Justices of the peace," Union Labor column.
- No. 188, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 152, it is submitted that there is no vote recorded for Representative in Congress for the Fourth Congressional district in this ballot.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 9 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot, No. 79, on which both Costley and Livernash are voted for.

There are 3 ballots on which William Costley is voted for.

There are 4 ballots on which there is no vote for Representative in Congress.

There are 80 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 14 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 35, there are two crosses opposite the name Hunt, Republican ticket, and an identifying mark opposite the name Law, Democratic ticket.

No. 3, there are crosses not in voting squares opposite constitutional amendments Nos. 1 to 5.

No. 38, there is a cross on the line dividing voting square opposite the name Hebard from the space opposite the title justices of the peace, Republican ticket.

Mr. DIBBLE. It is submitted that this is not a valid objection under the laws and decisions of the State of California.

Mr. TEVLIN (continuing). No. 16, identifying mark in lower voting square opposite amendment No. 6.

No. 191, identifying mark, to wit, an attempted erasure in the voting square opposite the name Rowell, Prohibition ticket.

No. 143, two crosses in voting square opposite the name Shaw, Republican ticket.

No. 109, two crosses in voting squares opposite the names Kahn and Dunn, Republican ticket.

No. 65, two crosses in voting square opposite amendment No. 6.

No. 117, two crosses in voting square opposite the name Kahn, Republican ticket.

No. 10, identifying mark in lead pencil opposite the name Carroll, Democratic ticket.

No. 31, crosses not in voting squares opposite amendments Nos. 1 to 6.

No. 137, two crosses in voting square opposite the name Gett, Democratic ticket.

No. 57, two crosses in voting square opposite the names Holcomb and Wilson, Democratic ticket.

No. 181, identifying mark, to wit, an ink line at foot of Republican and Democratic tickets.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 14 ballots, and claims that they should be counted for contestant.

### THIRD PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the third precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 71 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 71 ballots offered by contestee 61 are unobjectionable ballots; but to the following 10 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objection to the proposed objections of counsel for contestant in the same terms in which his said objection is heretofore stated to Mr. Dibble's objections to ballots counted in the first precinct of the Forty-second assembly district.)

The 10 ballots to which contestant objects are numbered 71, 151, 117, 72, 46, 34, 12, 23, 101, 149, and the objections are as follows:

Nos. 71 and 117, the name Langdon is voted for in both the Democratic and Union Labor columns.

Nos. 151, 72, and 46, upon each of which the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 34, there is an erasure after amendment No. 4.

No. 12, there is an erasure after amendments Nos. 1 and 7, and the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 23, blot in Socialist column.

No. 101, the word "No" written in lead pencil after the amendment No. 8.

No. 149, it is submitted that on this ballot the name Kahn is also voted for as Representative in Congress, and that, such being so, the ballot should not be counted for Congressman.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 10 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot upon which Joseph Rowell is voted for.

There are 4 ballots upon which William Costley is voted for.

There are 2 ballots on which there is no vote for Representative in Congress.

There are 66 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 13 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 131, two crosses in the voting squares opposite the names Long and Dunn, Republican.



No. 152, identifying mark in lead pencil in voting square opposite the name Koch, Republican.

No. 115, there is a cross in the lower blank portion of column for Independent nominations.

No. 116, there is an attempted erasure in the lower voting square opposite amendment No. 1.

No. 129, there is an erasure in the voting square opposite the name Brown, Republican.

No. 135, two crosses in the voting square opposite the name Angelotti, Republican.

No. 66, two crosses opposite the titles of offices judges of the superior court and justices of the peace, Republican.

No. 49, there are two crosses in the voting square opposite Hebbard, Republican.

No. 58, two crosses in the voting square opposite amendment No. 4.

No. 18, there is an erasure opposite the name Daniels, Republican.

No. 21, there is an attempted erasure opposite the name Hunt, Republican ticket.

No. 27, two crosses in the voting square opposite the name Shannon, Republican ticket.

No. 54, identifying mark in lead pencil, to wit, in squares in which there are crosses made by the voting stamp. This ballot is indorsed "Marked wrong," and is subscribed by election officers.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 13 ballots and claims that they should be counted for contestant.

#### FOURTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourth precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 87 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 87 ballots offered by contestee 73 are unobjectionable ballots, but to the following 14 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objection to the proposed objections of counsel for contestant in the same terms in which his said objection is heretofore stated to Mr. Dibble's objections to ballots counted in the first precinct of the Forty-second assembly district.)

The 14 ballots to which contestant objects are numbered 145, 83, 42, 76, 35, 114, 86, 146, 25, 23, 48, 170, 156, and 154, and the objections are as follows:

No. 145, erasure after the name Costley, Socialist column; and a cross after the title justices of the peace, Union Labor column.

No. 83, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 42, two crosses in the voting square after amendment No. 1.

No. 76, a cross in front of the name Hebbard not in voting square, Republican column.

No. 35, the name Livernash is voted for in both the Democratic and Union Labor tickets.

No. 114, two crosses in the voting square after amendment No. 9.

No. 86, an erasure after the name Hunt, Republican column.

No. 146, two crosses in voting square after the name Lane, Democratic column.

No. 25, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 23, a cross in the right-hand margin of the ballot.

No. 48, an erasure after the name Barduhn, Socialist column.

No. 170, two crosses in the voting square after the name Wilson, Democratic column.

No. 156, the name Langdon is voted for as superintendent of public schools in both the Democratic and Union Labor columns.

No. 154, crosses in the wrong square after amendments Nos. 3 to 6, inclusive.

Mr. TELVIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 14 ballots should be counted as votes for Mr. Livernash.

There are 5 ballots upon which William Costley is voted for.

There are 2 ballots upon which Joseph Rowell is voted for.

There is 1 ballot, No. 169, upon which Kahn and Livernash are voted for.

There are 2 ballots, Nos. 88 and 192, upon which Costley and Livernash are voted for.

There are 4 ballots upon which there is no vote for Representative in Congress.

There are 77 ballots upon which Mr. Kahn is voted for to which contestee makes no objection. There are 14 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 54, there are ink marks on the line dividing the Prohibition and Union Labor tickets.

No. 37, there is an identifying mark, to wit, an erasure in lead pencil in lower voting square opposite amendment No. 4.

No. 29, there is an erasure in the voting square opposite the name Barber, Republican ticket.

No. 173, there are two crosses in the voting squares opposite amendments Nos. 1, 2, and 7.

No. 31, there are crosses opposite titles of office, judges of the superior court and justices of the peace. Republican ticket.

No. 129, there is an identifying mark in ink in voting square opposite the name Woods, Republican ticket.

No. 22, two crosses in the voting square opposite the name Van Nostrand, Republican ticket.

No. 144, two crosses in the voting square opposite amendment No. 7.

No. 191, two crosses in the voting square opposite the name Curry, Republican ticket.

No. 124, two crosses in the voting square opposite the name Dockweiler, Democratic ticket.

No. 140, two crosses in the voting square opposite the names Trask, Brauhart, Richards, and Kent. Democratic ticket.

No. 115, there is an identifying mark, to wit, the name Gage, in lead pencil, with a cross stamped after the same, in the column Independent nominations.

No. 175, there are identifying marks, in that the ballot has been marked in lead pencil and not marked with the voting stamp.

No. 154, there are identifying marks, in that the ballot has been marked in lead pencil and not with the voting stamp.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 14 ballots, and claims that they should be counted for contestant.

#### FIFTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifth precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 84 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 84 ballots offered by contestee, 72 are unobjectionable ballots; but to the following 12 ballots contestant objects on the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objection to the proposed objections of counsel for contestant in the same terms in which his said objection is heretofore stated to Mr. Dibble's objections to ballots counted in the first precinct of the Forty-second assembly district.)

Mr. DIBBLE. The 12 ballots to which contestant objects are numbered, 85, 121, 109, 202, 134, 21, 136, 178, 149, 73, 142, and 171, and the objections are as follows:

Nos. 85 and 121, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 109, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 202, two crosses in the voting square after the name Daniels, Republican ticket.

No. 134, cross in the wrong square after amendments Nos. 1 to 9, inclusive.

No. 21, cross in the wrong square after amendments Nos. 1 to 9, inclusive.

No. 136, two crosses in the voting square after the name Livernash, Democratic column.

No. 178, a cross after the title of office, judges of the superior court, Union Labor column.

No. 149, blot in left-hand margin of ballot.

No. 73, two crosses in the voting square after the name Cook, Republican ticket.

No. 142, attempted erasure after the name Barber, Republican ticket.

No. 171, marked in lead pencil. On back of this ballot is written: "Invalid; marked in pencil," and signed by the officers of the election board.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 12 ballots should be counted as votes for Mr. Livernash.

There are 8 ballots on which William Costley is voted for.

There is 1 ballot, No. 24, on which Kahn and Livernash are voted for.

There are 6 ballots on which there is no vote for Representative in Congress.

There are 87 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 24 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 92, there is an erasure in the voting square opposite Brown, Republican.

No. 144, two crosses in the voting square opposite Pardee, Republican.

No. 102, there is an erasure in the lower voting square opposite amendment No. 6.

No. 99, there is an attempted erasure in the voting square opposite the name Hebbard, Republican.

No. 166, two crosses in the voting square opposite Pardee, Republican.

No. 120, there are two crosses in the voting squares opposite the names Beatty and Andrew and Kahn, Republican ticket, and a cross opposite the title of office, justices of the peace, Republican.

No. 65, two crosses in the voting square opposite the name Koch, Republican.

No. 64, two crosses in the voting squares opposite Reeves, Woods, and Hebbard, Republican.

No. 63, two crosses in the voting square opposite the name Wilson, Democratic ticket, and opposite amendment No. 1.

No. 164, two crosses in voting squares opposite the names Woodman and Carroll, Democratic ticket.

No. 30, two crosses in the voting square opposite Lindsay, Democratic.

No. 3, two crosses in the voting squares opposite Anderson and Reeves, Republican.

No. 148, cross opposite the title of office, judges of the superior court, Republican.

No. 60, two crosses in the voting square after the name Long, Republican.

No. 39, two crosses in the voting square opposite Colgan, Republican.

No. 29, two crosses in the voting squares opposite Koch and Daniels, Republican.

No. 190, two crosses in the voting square opposite Pardee, Republican.

No. 31, there is an identifying mark opposite the name Barber, Republican.

No. 195, there is an attempted erasure in the upper voting square opposite amendment No. 1.

No. 189, two crosses in the voting square opposite Colgan, Republican.

No. 168, two crosses in the voting square opposite Anderson, Republican.

No. 170, the ballot is marked with lead pencil and not with the voting stamp.

No. 208, there is an identifying mark in lead pencil, with the words "no go" in the voting square opposite the name Andrew, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 23 ballots and claims that they should be counted for contestant.

Mr. TEVLIN. The last 2 ballots are indorsed as invalid, and the indorsement is subscribed by the election officers.

No. 116, there are punctures in front of the lower voting square opposite amendment No. 6, in the right-hand margin of the ballot.

Mr. DIBBLE. The objection is denied.

(Here an adjournment was taken until 9 o'clock a. m., March 31, 1903.)

MARCH 31, 1903—9 o'clock a. m.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the sixth, seventh, eighth, ninth, tenth, and eleventh precincts of the Forty-second assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.



## SIXTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

Mr. TEVLIN. There are 66 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 66 ballots offered by contestee 59 are unobjectionable ballots; but to the following 7 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objection to the proposed objections of counsel for contestant in the same terms in which his said objection is heretofore stated to Mr. Dibble's objections to ballots counted in the first precinct of the Forty-second assembly district.)

The 7 ballots to which contestant objects are numbered 98, 155, 22, 1, 57, 7, and 26, and the objections are as follows:

No. 98, two crosses in the voting square after the name Holcomb, Democratic ticket.

No. 155, the name Franklin K. Lane is written in lead pencil in the blank column.

No. 22, two crosses in the voting square after the name Law, Democratic ticket; also the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 1, a cross after the title judges of the superior court, Union Labor ticket.

No. 57, two crosses in the voting square after the name McGregor, Union Labor ticket.

No. 7, erasure after the name Hunt, Republican ticket.

No. 26, erasure after the name Lawson, Union Labor ticket.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 7 ballots should be counted as votes for Mr. Livernash.

There are 2 ballots on which William Costley is voted for.

There are 6 ballots on which there is no vote for Representative in Congress.

There are 91 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 11 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 70, there are two crosses in the voting square opposite the name Holcomb, Republican, and opposite amendment No. 6.

No. 73, there are two crosses in the voting square opposite amendment No. 7.

No. 20, two crosses in the voting square opposite the name Van Nostrand, Republican.

No. 74, there is a cross not in a voting square opposite the title "For secretary of state," Republican ticket.

No. 78 (so marked for identification), there are two crosses in the voting square opposite the name Pardee, Republican.

No. 132, two crosses opposite Webb and Shannon, Republican.

No. 76, two crosses in the voting square opposite amendment No. 8.

No. 87, there is a cross not in a voting square opposite amendment No. 8.

No. 28, there is a cross opposite the title of office justices of the peace, Republican ticket.

No. 144, there is an erasure opposite the name McClellan, Republican ticket.

No. 90, two crosses in the voting square opposite the name Barber, Republican ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 11 ballots, and claims that they should be counted for contestant.

## SEVENTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventh precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 82 ballots upon which Mr. Livernash had been voted for.

Mr. DIBBLE. Contestant admits that of the 82 ballots offered by contestee 65 are unobjectionable ballots. This offer, however, includes 16 ballots, numbered 13, 111, 82, 70, 123, 165, 151, 150, 24, 41, 76, 104, 159, 77, 107, and 166, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified; and also ballot No. 74.

Mr. TEVLIN. Counsel for contestee objects to counsel for contestant noting the objection to ballot No. 74.

First. On the ground that all ballots that might be objected to, or to which counsel for contestant may assert any objection or objections to their being counted as votes for contestee, should have been produced by contestant as evidence in support of the allegations contained in his notice of contest and within the time limited by law for the production of such evidence and should have been then objected to.

Second. That the time within which contestant could and should offer evidence as to invalid ballots cast for contestee has expired.

Mr. DIBBLE. No. 74, there is an erasure after the name Dunn in the Republican column to which contestant objects upon the ground that it is illegal and void under the laws and decisions of the State of California and should not be counted.

Mr. TEVLIN. The objection is denied.

There are 8 ballots upon which William Costley is voted for.

There are 3 ballots upon which Joseph Rowell is voted for.

There are 2 ballots upon which there is no vote for Representative in Congress.

There is 1 ballot, No. 27, upon which Costley and Livernash are voted for.

There are 67 ballots upon which Mr. Kahn is voted for to which contestee makes no objection.

There are 6 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 161, there is an identifying mark, to wit, a cross in the upper left-hand corner of the ballot.

No. 34, there is a cross on the line dividing the voting squares opposite the names Shannon and Beatty, and also an identifying mark in the voting square opposite the name Long, Republican.

No. 19, there is an identifying mark in the voting square opposite the name Brooks, Democratic.

No. 43, two crosses in the voting square opposite the name Brooks and an identifying mark opposite the name Kent, Democratic.

No. 36, there is an identifying mark, to wit, a mark in purple ink, in the upper margin of the ballot over the heading "Union Labor ticket."

No. 79 (so marked for identification), two crosses in the voting square opposite the name Anderson, Republican ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 6 ballots, and claims that they should be counted for contestant.

#### EIGHTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighth precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 73 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 73 ballots offered by contestee 68 are unobjectionable ballots; but to the following 5 ballots contestant objects upon the ground that they are invalid and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objection to the proposed objections of counsel for contestant in the same terms in which his said objection is heretofore stated to Mr. Dibble's objections to ballots counted in the first precinct of the Forty-second assembly district.)

The 5 ballots to which contestant objects are numbered 106, 5, 102, 12, 107, and the objections are as follows:

No. 106, a cross after the title justices of the peace, Union Labor column.

Nos. 5 and 102, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 12, two crosses in the voting square after the name Shaw, Republican ticket.

No. 107, two crosses in the voting square after the name Kent, Democratic ticket.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 5 ballots should be counted as votes for Mr. Livernash.

There are 2 ballots on which William Costley is voted for.

There are 3 ballots on which there is no vote for Representative in Congress.

There is 1 ballot, No. 16, upon which Costley and Livernash are voted for.

There are 61 ballots upon which Mr. Kahn is voted for to which contestee makes no objection.

There are 16 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 109, two crosses in the voting square after the name Van Nostrand, Republican ticket; there is a cross upon the line dividing the voting squares opposite the names Van Nostrand and Barber, Republican.

No. 133, two crosses opposite the name Dockweiler, Democratic ticket.

No. 65, two crosses in the voting square opposite the name Reeves, Republican.

No. 52, there is an identifying mark, to wit, a purple ink mark in the Republican column.

No. 137, there are two crosses in the voting square opposite the name Hebbard, Republican.

No. 112, there are two crosses in the voting square opposite the name Beatty, Republican ticket.

No. 89, there is an identifying mark in purple ink partly in the Prohibition and partly in the Union Labor columns.

No. 82, there is an identifying mark in the voting square opposite the name Kahn, Republican ticket.

No. 58, there is an identifying mark, to wit, an attempted erasure in lead pencil opposite the name Hebbard, Republican column.

No. 88, there is an erasure opposite the name Hunt, Republican ticket.

No. 83, there is an identifying mark in purple ink in the lower left-hand corner of ballot.

No. 38, there is an identifying mark in the voting square opposite the name Koch, Republican ticket.

No. 74, there is a cross upon the line dividing voting squares opposite the names Reeves and Webb, and two crosses in the voting square opposite the name Webb, Republican ticket.

No. 9, there are crosses not in voting squares opposite amendments Nos. 8 and 9.

No. 126, two crosses in the voting square opposite the name Holcomb, Democratic ticket.

No. 122, there is an identifying mark in the upper voting square opposite amendment No. 4.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 16 ballots, and claims that they should be counted for contestant.

#### NINTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the ninth precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 93 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 93 ballots offered by contestee 80 of them are unobjectionable ballots; but to the following 13 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-second assembly district.)

The 13 ballots to which contestant objects are numbered 127, 1, 8, 198, 106, 205, 185, 77, 67, 23, 164, 155, and 187, and the objections are as follows:

No. 127, the word "No" written in lead pencil after amendments Nos. 8 and 9. This ballot is indorsed, "Void on account lead pencil marks, marks of identification," and is signed by the election board.

No. 1, two crosses in the voting square after the name Dunne, Democratic ticket.

Nos. 8, 198, 106, and 205, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 185, pencil lines in the Republican column.

No. 77, a cross in the wrong square after amendments Nos. 1 to 5, inclusive.

No. 67, a cross in the wrong square after amendment No. 2.

No. 23, two crosses in the voting square after the name Rosborough, Democratic.

No. 164, pencil lines in the voting square after the name Lane, Democratic.



No. 155, two crosses in the voting square after the name Mueller, Union Labor.

No. 187, a cross in the wrong square after amendment No. 8.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 13 ballots should be counted as votes for Mr. Livernash.

There are 2 ballots on which William Costley is voted for.

There are 7 ballots on which there is no vote for Representative in Congress.

There are 82 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 29 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 31, two crosses in the voting squares opposite the names Reeves and Woods, Republican.

No. 91, two crosses opposite the name Angelotti, Republican.

No. 159, two crosses opposite the name Webster, Republican.

No. 121, two crosses opposite the name Dunn, Republican.

No. 128, two crosses opposite the name Cook, Republican.

No. 176, two crosses opposite amendment No. 9.

No. 208, two crosses opposite the name Hebbard, Republican.

No. 103, there is an identifying mark in the voting square opposite the name Webster, Republican.

No. 135, two crosses in the voting square opposite the name Richards, Democratic.

No. 200, there is an identifying mark in the voting square opposite the name Colgan, Republican.

No. 112, there is an identifying mark in the voting square opposite the name Barber, Republican.

No. 97, two crosses opposite Law, Democratic.

No. 189, identifying mark opposite Farnsworth, Democratic.

No. 202, identifying mark in the square opposite Dunne, Democratic.

No. 55, two crosses in the voting square opposite the name Webb, Republican ticket.

No. 65, two crosses in the voting square opposite the name Pardee, Republican ticket, and opposite amendment No. 2.

No. 156, two crosses in the voting square opposite the names Colgan and Webb, Republican ticket.

No. 139, there is an identifying mark in the square opposite the name Pardee, Republican ticket.

No. 11, two crosses in the voting square opposite the name Braunhart, Democratic ticket.

No. 172, there is a cross on the line dividing the voting squares opposite the names Van Nostrand and Barber; two crosses in the square opposite the name Barber, Republican ticket.

No. 86, two crosses in the voting square opposite the name Curry, Republican ticket.

No. 73, two crosses in the voting square opposite the name McClellan, Republican ticket.

No. 87, two crosses opposite the name Barber, Republican ticket.

No. 79, two crosses opposite the name Guilfoyle, Union Labor ticket.

No. 207, there are crosses not in the voting squares opposite the constitutional amendments.

No. 69, two crosses in the voting square opposite the name Kirk, Republican ticket.

No. 3, two crosses in the voting squares opposite the names Hebbard and Barber, Republican ticket.

No. 37, two crosses in the voting squares opposite the names Brown and Hebbard, Republican ticket.

No. 28, there is a cross in the left-hand margin of the ballot opposite the title of office "For comptroller."

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 29 ballots, and claims that they should be counted for contestant.

#### TENTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the tenth precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 68 ballots upon which Mr. Livernash is voted for.

Mr. DIBBLE. Contestant admits that of the 68 ballots offered by contestee 59 of them are unobjectionable ballots; but to the following 9 ballots contestant objects on the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-second assembly district.)

The 9 ballots to which contestant objects are numbered 50, 21, 44, 152, 143, 7, 164, 38, and 127, and the objections are as follows:

Nos. 50 and 21, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 44, there are pin holes in the ballot in the voting square opposite the name Livernash, Democratic ticket.

No. 152, two crosses in the voting square after amendment No. 7.

No. 143, pin holes in the constitutional amendments column, amendments Nos. 4, 5, 6, and 7.

No. 7, two crosses in the voting square after amendment No. 1.

No. 164, an erasure after amendment No. 4.

No. 38, an erasure after the names Livernash and Langdon, Union Labor ticket.

No. 127, an erasure after the name Brower, Socialist ticket.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 9 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot upon which William Costley is voted for.

There is 1 ballot upon which Joseph Rowell is voted for.

There are 2 ballots upon which there is no vote for Representative in Congress.

There are 79 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 4 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 89, two crosses in the voting square after the name Andrew, Republican ticket; and opposite amendments Nos. 6 and 9.

No. 105, there is an identifying mark, to wit, a piece cut out of the upper voting square opposite amendment No. 7.

No. 57, two crosses in the voting square after the name Kirk, Republican.

No. 68, there is an identifying mark in the voting square opposite the name Fritz, Democratic.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 4 ballots, and claims that they should be counted for contestant.

#### ELEVENTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eleventh precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 84 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 84 ballots offered by contestee 74 are unobjectionable, but to the following 10 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-second assembly district.)

The 10 ballots to which contestant objects are numbered 186, 125, 91, 93, 24, 48, 98, 74, 194, and 152, and the objections are as follows:

Nos. 186, 125, and 91, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 93, an erasure after the name Lawson, Union Labor ticket.

No. 24, an erasure after amendments Nos. 7 and 8.

No. 48, a blot in the voting square after the name O'Donnell, Independent ticket.

No. 98, erasure after amendment No. 7.

No. 74, erasure after the name Fritz, Democratic.

No. 194, erasure after amendment No. 9.

No. 152, cross in the wrong square after amendment No. 6.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 10 ballots should be counted as votes for Mr. Livernash.

There are 4 ballots on which William Costley is voted for.

There are 4 ballots on which there is no vote for Representative in Congress.

There are 90 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 15 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 16, there are identifying marks, to wit, light crosses in voting squares opposite the names Shannon and Beatty, Republican ticket.

No. 171, there is an identifying mark in the voting square opposite the name Gallagher, Union Labor ticket.

No. 10, two crosses in the voting square opposite the name Kirk, Republican.

No. 87, there is a cross on the line dividing the voting squares opposite the names Anderson and Curry and on the line dividing the voting squares opposite the names Curry and Colgan, Republican.

No. 110, there is an erasure in the upper voting square opposite amendment No. 1.

No. 67, there is an identifying mark, to wit, a circular mark in ink in the lower margin of ballot.

No. 2, two crosses in the voting square opposite amendment No. 9.

No. 35, two crosses in the voting square opposite the name Colgan, Republican ticket.

No. 43, two crosses in the voting square opposite the name Barber, Republican ticket.

No. 22, two crosses in the voting square opposite the name Long, Republican ticket.

No. 144, crosses opposite title of offices judges of the superior court and justices of the peace, Republican ticket; and not in the voting squares after the amendments.

No. 164, two crosses in voting square opposite the name Andrew, Republican ticket.

No. 167, two crosses in voting square opposite the name Law, Democratic ticket, and opposite amendment No. 9.

No. 180, there is an identifying mark in the voting square opposite the name Beatty, Republican ticket.

No. 196, there are identifying marks, to wit, crosses in the lower margin of ballot.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 15 ballots, and claims that they should be counted for contestant.

(Here a recess was taken until 2 o'clock p. m.)

2 O'CLOCK P. M.

The inspection of the ballots was resumed.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the twelfth, thirteenth, fourteenth, fifteenth, and sixteenth precincts of the Forty-second assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### TWELFTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twelfth precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 52 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 52 ballots offered by contestee 42 are



unobjectionable ballots; but to the following 10 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-second assembly district.)

The ballots to which contestant objects (10) are numbered 159, 160, 152, 21, 4, 37, 156, 103, 137, and 63, and the objections are as follows:

No. 159, two crosses in the voting square after the name Kent, Democratic ticket.

No. 160, crosses in the wrong squares after amendments Nos. 1 to 9, inclusive.

No. 152, two crosses in the voting square after the name Gett, Democratic ticket.

No. 21, crosses in the wrong squares after amendments Nos. 1 to 9, inclusive.

No. 4, cross in the Union Labor column not within a voting square.

No. 37, erasure after the name McClellan, Republican ticket.

Nos. 156 and 103, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 137, the name Lawson is voted for in both the Democratic and Union Labor columns.

No. 63, the name Stone is voted for in both the Democratic and Union Labor columns.

Mr. TEYLFN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 10 ballots should be counted as votes for Mr. Livernash.

There is one ballot on which there is no vote for Representative in Congress.

There are 96 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 18 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 133, two crosses in the voting square opposite Rosborough, Democratic.

No. 141, two crosses opposite amendment No. 8.

No. 48, two crosses in the voting square opposite the name Pardee, Republican.

No. 151, there is an identifying mark opposite the name Stone, Democratic.

No. 75, there is an identifying mark opposite the name Lawson, Democratic.

No. 124, there is an erasure opposite the name Alford, Democratic.

No. 127, there is a cross not in a voting square after amendment No. 1.

No. 5, there is an identifying mark in the lower right-hand corner of the ballot.

No. 35, two crosses in the voting square opposite the name Van Nostrand, Republican ticket.

No. 60, there is an identifying mark in the voting square opposite amendment No. 9.

No. 111, there is a cross on the line dividing the voting squares between the names Woods and Jordan; two crosses in the voting square opposite the name Woods, Republican ticket.

No. 84, there is a cross not in a voting square after amendment No. 1.

No. 85, two crosses in the voting square opposite the name Van Nostrand, Republican ticket.

No. 34, there are identifying marks in purple ink on the right-hand margin of ballot.

No. 167, two crosses in the voting square opposite the name Kahn, Republican ticket.

No. 15, there is an identifying mark in purple ink after the heading "Republican ticket."

No. 146, there are crosses not in the voting squares after amendments Nos. 1 to 8, inclusive.

No. 92. The voter has marked his ballot in lead pencil. This ballot is indorsed "Rejected because of pencil marking," and the indorsement is signed by the election officers.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 18 ballots, and claims that they should be counted for contestant.

## THIRTEENTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the thirteenth precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 63 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 63 ballots offered by contestee 60 are unobjectionable ballots; but to the following 3 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-second assembly district.)

The 3 ballots to which contestant objects are numbered 37, 86, and 105, and the objections are as follows:

No. 37, a cross in the right-hand margin of the ballot.

No. 86, a cross in the lower margin of the ballot.

No. 105, two crosses in the voting square after the name Jordan, Republican ticket.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 3 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot on which William Costley is voted for.

There is 1 ballot on which Joseph Rowell is voted for.

There are 2 ballots on which there is no vote for Representative in Congress.

There are 2 ballots, Nos. 87 and 69, upon which both Kahn and Livernash are voted for.

There are 67 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 8 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 139, two crosses in the voting square opposite the name Reeves, Republican.

No. 138, two crosses in the voting squares opposite the names Hebbard and Koch, Republican.

No. 23, there is an identifying mark in ink opposite amendment No. 8.

No. 129, two crosses in the voting square opposite the name Van Nostrand, Republican.

No. 38, two crosses in the voting squares opposite the names Cook, Hebbard, and Daniels, Republican.

No. 110, there is an attempted erasure in the lower voting square opposite amendment No. 3; also two crosses opposite the name Kahn, Republican ticket.

No. 50, there is an attempted erasure in lower voting square after amendment No. 1.

No. 59, two crosses in voting square opposite the name Long, Republican ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection claimed by contestee to the preceding 8 ballots, and claims that they should be counted for contestant.

## FOURTEENTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourteenth precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 72 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 72 ballots offered by contestee 55 are unobjectionable ballots; but to the following 17 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-second assembly district.)

The 17 ballots to which contestant objects are numbered 148, 105, 179, 37, 16, 80, 68, 3, 12, 155, 53, 124, 24, 20, 10, 139, and 103, and the objections are as follows:

Nos. 148, 105, and 179, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 37, two crosses in the voting square after the name Lawson, Democratic ticket.

No. 16, two crosses in the voting square after the name Harkness, Democratic ticket.

No. 80, two crosses in the voting square after the name Miller, Democratic ticket.

No. 68, pencil cross in voting square after the name Lane, Democratic ticket.

No. 3, attempted erasure after amendment No. 7.

No. 12, two crosses in the voting square after the name Wilson, Democratic ticket.

No. 155, erasure after the name Wilson, Democratic ticket.

No. 53, a cross after the title "Judges of the superior court," Democratic ticket.

No. 124, two crosses in the voting square after amendment No. 1.

No. 24, cross in the wrong square after amendment No. 8.

No. 20, two crosses in the voting square after the name Stevenson, Socialist.

No. 10, two crosses in the voting square after the name Rosborough, Democratic.

No. 139, two crosses in a voting square after amendment No. 6.

No. 103, two crosses in the voting square after the name Brown, Republican.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 17 ballots should be counted as voted for Mr. Livernash.

There is 1 ballot on which William Costley is voted for.

There is 1 ballot on which Rowell is voted for.

There is 1 ballot on which there is no vote for Representative in Congress.

There are 94 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 39 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 176, two crosses in the voting square opposite the name Shaw, Republican.

No. 174, two crosses in the voting square opposite the name Pardee, Republican.

No. 44, two crosses opposite the name Webb, Republican ticket.

No. 57, two crosses opposite the names Koch and Daniels, Republican ticket.

No. 91, there is a cross not in a voting square opposite amendment No. 3.

No. 114, identifying mark in voting square opposite the name Pardee, Republican ticket.

No. 197, two crosses in the voting square opposite the name Cook, Republican ticket.

No. 189, two crosses in the voting square opposite the name Anderson, Republican ticket.

No. 75, there is an identifying mark caused by an erasure opposite the name Rosborough, Democratic ticket.

No. 56, two crosses opposite the name Webb, Republican ticket.

No. 112, two crosses opposite the names Colgan and Woods, Republican ticket.

No. 104, identifying mark in voting square opposite amendment No. 9.

No. 77, two crosses in voting square opposite the name Hebbard, and a cross not in a voting square opposite amendment No. 3.

No. 85, an identifying mark in voting square opposite the name Barber, Republican ticket.

No. 79, two crosses in voting square opposite the name Dockweiler, Democratic ticket.

No. 100, there is an identifying mark, to wit, an erasure or attempted erasure, lower voting square, amendment No. 5.

No. 66, two crosses in voting squares opposite the names Colgan, Reeves, McClellan, and Long, Republican ticket.

No. 45, two crosses in voting square opposite the name Fritz, Democratic ticket.

No. 68, two crosses opposite name Koch, and crosses not in voting squares opposite amendments Nos. 5, 8, and 9.

No. 43, two crosses in the voting squares opposite the names Curry and Hebbard, Republican ticket.

No. 30, there is a cross in the lower right-hand corner of ballot.

No. 51, there is an identifying mark in voting square opposite the name Kent, Democratic ticket.

No. 39, there are crosses not in voting squares opposite the amendments.

No. 92, two crosses opposite the names Andrew, Webster, and Hebbard, Republican ticket.



- No. 21, two crosses opposite the names Woodman and Kent, Democratic ticket.  
 No. 22, there is a cross opposite the title of office justices of the peace, Republican ticket.  
 No. 185, two crosses in voting square opposite the name Webb, Republican ticket.  
 No. 26, there is a cross in the right-hand margin of ballot.  
 No. 140, two crosses in the voting square opposite amendment No. 7.  
 No. 52, two crosses in the lower voting square opposite amendment No. 8.  
 Mr. DIBBLE. The objection is admitted.  
 Mr. TEVLIN. (Continuing.) No. 195, two crosses opposite the name Kahn, Republican ticket.  
 No. 202, two crosses opposite amendment No. 1.  
 No. 117, identifying mark in voting square after the name Hunt, Republican ticket.  
 No. 27, two crosses in voting square opposite the name Barber, Republican ticket.  
 No. 8, two crosses in voting square opposite the name Harkness, Democratic ticket.  
 No. 186, two crosses in the voting square opposite the name Koch, Republican ticket.  
 No. 93, three crosses in the right-hand margin of ballot.  
 No. 19, two crosses in voting squares opposite the names Colgan, Angelotti, Webster, and Van Nostrand, Republican ticket.  
 No. 4, crosses not in voting squares opposite amendments Nos. 2, 8, and 9.  
 Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 39 ballots, and claims that they should be counted for contestant.

#### FIFTEENTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifteenth precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 72 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 72 ballots offered by contestee 63 are unobjectionable ballots; but to the following 9 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-second assembly district.)

The 9 ballots to which contestant objects are numbered 46, 103, 134, 4, 88, 11, 175, 184, and 190, and the objections are as follows:

No. 46, erasure after the name Woodman, Democratic ticket; and two crosses in the voting square after the name O'Donnell, Independent column.

No. 103, two crosses in voting square opposite the name Holcomb, Democratic ticket.

No. 134, cross in the blank column after the written words "Henry T. Gage, governor."

No. 4, erasure after the name Rosborough, Democratic ticket.

No. 88, ink line in the column marked "Independent nominations."

No. 11, erasure after the name Langdon, Democratic ticket.

No. 175, erasure after the name Law, Democratic ticket.

No. 184, crosses in the wrong squares after amendments Nos. 7, 8, and 9.

No. 190, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 9 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot on which William Costley is voted for.

There are 7 ballots on which there is no vote for Representative in Congress.

There are 101 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 21 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 20, there is an identifying mark in the voting square opposite the name Colgan and marks in lead pencil over the name Colgan, Republican ticket.

- No. 117, two crosses opposite the name Hebbard, Republican ticket.
  - No. 110, two crosses opposite the name Kahn, Republican ticket.
  - No. 108, two crosses opposite the name Daniels, Republican ticket.
  - No. 105, two crosses opposite the name Dockweiler, Democratic ticket.
  - No. 75, two crosses opposite the name Koch, Republican ticket.
  - No. 60, there is a cross not in a voting square opposite amendment No. 8.
  - No. 58, two crosses in voting square after the name Dockweiler, Democratic ticket.
  - No. 178, two crosses in voting square after the name Kirk, Republican ticket.
  - No. 82, crosses in right-hand margin of ballot.
  - No. 77, two crosses in voting square opposite amendment No. 7.
  - No. 185, erasure opposite the name Andrew, Republican ticket.
  - No. 183, erasure, lower voting square, amendment No. 6.
  - No. 157, two crosses in upper voting square and three crosses in lower voting square, amendment No. 7.
  - No. 133, two crosses opposite the name Shaw, Republican ticket.
  - No. 130, two crosses opposite amendment No. 9.
  - No. 40, two crosses opposite the name Pardee, Republican ticket.
  - No. 67, two crosses opposite the name Pardee, Republican ticket.
  - No. 38, two crosses opposite the name Koch, Republican ticket.
  - No. 33, two crosses opposite the name Pardee, Republican ticket.
  - No. 25, two crosses opposite the name McClellan, Republican ticket.
- Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 21 ballots and claims that they should be counted for contestant.

#### SIXTEENTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixteenth precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 66 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 66 ballots offered by contestee, 53 are unobjectionable ballots, but to the following 13 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-second assembly district.)

The 13 ballots to which contestant objects are numbered 75, 153, 59, 100, 104, 113, 157, 115, 175, 169, 180, 170, and 94, and the objections are as follows:

No. 75, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 153, crosses in the wrong squares after amendments Nos. 1 to 9, inclusive.

No. 59, two crosses in the voting squares after the names Curry and Daniels, Republican.

No. 100, two crosses in the voting square after the name Lawson, Democratic.

No. 104, two crosses in the voting square after amendment No. 3.

No. 113, two crosses after the name Lane, Democratic ticket.

No. 157, a cross opposite the title of office judges of the superior court, Union Labor, and an erasure after the name Pardee, Republican.

No. 115, blots in the column marked "Prohibition ticket."

No. 175, a cross in the wrong squares after amendments Nos. 1 to 9, inclusive.

No. 169, two crosses in the voting square opposite the name Langdon, Democratic.

No. 180, erasure opposite the name Shaw, Republican ticket.

No. 170, erasure after the name Dunne, Democratic.

No. 94, ink writing in Democratic column. This ballot is indorsed "Marked ballot."

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 13 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot on which William Costley is voted for.

There is 1 ballot on which Joseph Rowell is voted for.

There are 5 ballots on which there is no vote for Representative in Congress.

There are two ballots, Nos. 16 and 83, on which both Kahn and Livernash are voted for.

There are 86 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 20 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding.

The numbers of these ballots and the grounds of the objections to them are as follows:

No. 172, circular ink mark in blank column.

No. 116, two crosses in the voting square opposite the name Shaw, Republican ticket.

No. 41, two crosses in the voting square opposite the name Pardee, Republican ticket.

No. 107, attempted erasure opposite the name McClellan, Republican ticket.

No. 39, two crosses in voting square opposite the name Kahn, Republican ticket.

No. 31, two crosses in the voting squares opposite the names Curry and Beatty, Republican ticket.

No. 160, two crosses opposite the name Hebbard, Republican ticket.

No. 137, two crosses opposite the name Daniels, Republican ticket.

No. 47, identifying mark in purple ink in upper margin of ballot.

No. 63, two crosses in the square opposite the name Pardee, Republican ticket.

No. 7, two crosses in the voting squares opposite the names Shannon and Beatty, Republican ticket.

No. 142, two crosses opposite the name Webster, Republican ticket.

No. 159, two crosses opposite the names Kent and Harkness, Democratic ticket.

No. 131, two crosses opposite the names Jordan, Kirk, and McClellan, Republican ticket.

No. 25, two crosses opposite the name Braunhart, Democratic ticket, and amendment No. 8.

No. 90, two crosses opposite the name Webster, Republican ticket, Baggett, Democratic ticket, and amendment No. 8.

No. 92, two crosses opposite the amendment No. 8.

No. 161, two crosses in the voting square opposite the name Brower, Socialist ticket, and the name Lawson, Democratic ticket.

No. 97, two crosses in the voting square opposite the name Colgan, Republican ticket.

No. 101, two crosses in the voting squares opposite amendments Nos. 3, 4, and 5 and identifying marks in the right-hand margin of the ballot.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 20 ballots and claims that they should be counted for contestant.

Here an adjournment was taken until April 1, 1903, at 9 o'clock a. m.

APRIL 1, 1903—9 o'clock a. m.

The inspection of the ballots was resumed.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the seventeenth, eighteenth, nineteenth, twentieth, and twenty-first precincts of the Forty-second assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots that I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact, they are duly sealed, and the seals have not been broken.

#### SEVENTEENTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventeenth precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 69 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 69 ballots offered by contestee, 62 are unobjectionable ballots; but to the following 7 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting



stamp in the squares opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-second assembly district.)

The 7 ballots to which contestant objects are numbered 39, 53, 149, 140, 169, 166, and 8, and the objections are as follows:

No. 39, two crosses in the voting square after the name Dockweiler, Democratic ticket.

No. 53, two crosses in the voting square after the name Curry, Republican ticket.

No. 149, two crosses in the voting square after the name Webster, Republican ticket.

Nos. 140 and 169, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 166, crosses in the wrong squares after amendments Nos. 1 to 9, inclusive.

No. 8, erasure in the voting square after the name Burton, Union Labor ticket.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 7 ballots should be counted as votes for Mr. Livernash.

There are 2 ballots upon which William Costley is voted for.

There are 6 ballots upon which there is no vote for Representative in Congress.

There are 133 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 11 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 133, two crosses in the voting square opposite the name Pardee, Republican.

No. 173, two crosses in the voting square opposite the name Barber, Republican.

No. 180, two crosses in the voting square opposite the name Dunn, Democrat.

No. 103, two crosses in the voting squares opposite amendments Nos. 1 and 2.

No. 115, two crosses in the voting square opposite the name Pardee, Republican.

No. 128, there is a cross opposite the title of office justices of the peace, Republican.

No. 137, two crosses opposite the name Kirk, Republican.

No. 63, there is a cross not in a voting square opposite amendment No. 8.

No. 32, there are attempted erasures opposite the constitutional amendments.

No. 212, two crosses in the voting square opposite the name Van Nostrand, Republican.

No. 3, crosses not in voting squares opposite amendments Nos. 1 and 2.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 11 ballots, and claims that they should be counted for contestant.

#### EIGHTEENTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighteenth precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 63 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 63 ballots offered by contestee 55 are unobjectionable ballots; but to the following 8 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-second assembly district.)

The 8 ballots to which contestant objects are numbered 21, 72, 129, 16, 59, 49, 84, and 68, and the objections are as follows:

No. 21, cross in the wrong square after amendment No. 1.

No. 72, two crosses in the voting square after the name Wilson, Democratic ticket.

No. 129, two crosses in the voting square after the name Lane, Democratic ticket.

No. 16, erasure after the name Holcomb, Democratic ticket.

No. 59, erasure after the name Burton, Democratic ticket.

No. 49, cross after the title of office judges of the superior court, Union Labor ticket.

Nos. 84 and 68, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 8 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot upon which Costley is voted for.

There is 1 ballot upon which Rowell is voted for.

There are 5 ballots upon which there is no vote for Representative in Congress.

There is 1 ballot, No. 37, on which Kahn and Livernash are both voted for.

There are 2 ballots, Nos. 32 and 143, upon which Costley and Livernash are voted for.

There are 83 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 6 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 95, there is an erasure in the lower voting square opposite amendment No. 3.

No. 3, two crosses opposite the name Hunt, Republican ticket.

No. 94, an attempted erasure in the upper voting square opposite amendment No. 4.

No. 91, two crosses in the voting square opposite the name McClellan, Republican ticket.

No. 85, two crosses in voting square opposite the name Kirk, Republican ticket.

No. 22, pencil erasure opposite amendment No. 1.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 6 ballots, and claims that they should be counted for contestant.

#### NINETEENTH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the nineteenth precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 65 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 65 ballots offered by contestee 60 are unobjectionable ballots; but to the following 5 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballot upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-second assembly district.)

The 5 ballots to which contestant objects are numbered 154, 153, 160, 6, and 29, and the objections are as follows:

No. 154, erasure after the name Cook, Republican ticket, and crosses on the back of the ballot.

No. 153, cross in the wrong square after amendment No. 1.

No. 160, cross after the title of office justices of the supreme court, Democratic ticket.

No. 6, erasure after amendment No. 8.

No. 29, cross after the title of office judges of the superior court, Union Labor ticket.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 5 ballots should be counted as votes for Mr. Livernash.

There are 2 ballots upon which Costley is voted for.

There are 2 ballots on which Rowell is voted for.

There is 1 ballot, No. 104, on which both Kahn and Livernash are voted for.

There are 4 ballots on which there is no vote for Representative in Congress.

There are 101 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 17 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 144, two crosses in the voting square opposite Sullivan, Democratic.

No. 162, there is an identifying mark opposite Beatty, Republican.

No. 165, identifying mark in the voting square opposite the name, Angelotti, Republican.

No. 107, two crosses opposite the name Van Nostrand, Republican.

No. 143, an erasure in the voting square opposite Braunhart, Democratic.

No. 62, two crosses opposite the name Anderson, Republican.

No. 167, two crosses opposite the name Hebbard, Republican.

No. 172, two crosses opposite the name Braunhart, Democratic.

No. 53, cross in the right-hand margin of ballot.

No. 79, two crosses opposite the name Webb, Republican ticket.

No. 116, attempted erasure in the lower voting square opposite amendment No. 2.

No. 110, an erasure in voting square opposite the name Harkness, Democratic ticket.

No. 50, identifying mark in voting square opposite the name Curry, Republican ticket.

No. 180, two crosses in voting square opposite the name Colgan, Republican ticket.

No. 169, two crosses in the voting square opposite the name Reeves, Republican ticket.

No. 9, erasure opposite the name Andrew, Republican ticket.

No. 80, identifying marks in lead pencil opposite the constitutional amendments. The ballot is indorsed "Thrown out on account writing in the margin," and signed by the election officers.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 17 ballots, and claims that they should be counted for contestant.

#### TWENTIETH PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twentieth precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 78 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 78 ballots offered by contestee 61 are unobjectionable ballots; but to the following 17 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-second assembly district.)

The 17 ballots to which contestant objects are numbered 99, 170, 40, 171, 15, 60, 169, 48, 64, 178, 155, 22, 7, 153, 94, 2, and 92, and the objections are as follows:

No. 99, erasure after the name Beatty, Republican ticket.

No. 170, blot in the Democratic column.

No. 40, cross in the wrong square after amendment No. 8.

No. 171, two crosses in the voting square after amendment No. 8.

No. 15, cross on the line separating the voting squares assigned to the names Heenan and Lister, Union Labor ticket.

No. 60, three crosses in the voting square after the name Dockweiler, Democratic ticket.

No. 169, pin punctures in the upper right-hand corner of ballot.

No. 48, an erasure after amendment No. 1.

No. 64, erasure after amendment No. 1, and the name Stone voted for in both the Democratic and Union Labor columns.

No. 178, cross in the wrong squares after amendments Nos. 8 and 9.

Nos. 155, 22, 7, and 153, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 94, pencil markings after amendment No. 2. This ballot is indorsed "This ballot was not counted on account of having an identification mark," and signed by the election board.

No. 2, two crosses in the voting square after the name Colgan, Republican ticket. This ballot is indorsed "This ballot was thrown out for having identification mark on vote of Colgan," and signed by the election board.

No. 92, marked in pencil. This ballot is indorsed "This ballot was not counted, being marked with pencil," and signed by the election board.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 17 ballots should be counted as votes for Mr. Livernash.



There are 3 ballots on which Costley is voted for.

There are 3 ballots on which there is no vote for Representative in Congress.

There are 83 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 19 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 10, crosses not in voting squares opposite the amendments.

No. 174, two crosses in the voting square opposite the name Shannon, Republican.

No. 93, two crosses in the voting square opposite Beatty, Republican.

No. 3, two crosses in the voting square opposite the name Pardee, Republican.

No. 21, two crosses in the voting square opposite the name Jordan, Republican.

No. 74, two crosses in the voting square opposite the name Cook, Republican.

No. 78, two crosses in the voting square opposite the name Shannon, Republican.

No. 47, crosses not in voting squares opposite amendments Nos. 1, 8, and 9.

No. 20, pin punctures in voting squares opposite the names Woodman and Law, Democratic ticket.

No. 87, two crosses in voting square opposite the name Wilson, Democratic ticket; a row of pin punctures in front of names Alderman and Seifert, Socialist ticket.

No. 173, two crosses in voting square opposite the name Wilson, Democratic ticket.

No. 139, two crosses in voting square opposite the name Dunn, Republican ticket, and a cross not in a voting square opposite amendment No. 1.

No. 33, identifying mark in lead pencil in upper voting square opposite amendment No. 8.

No. 26, identifying mark in voting square opposite amendment No. 1.

No. 71, two crosses in the voting square opposite the name Pardee, Republican ticket.

No. 152, two crosses in the voting square opposite the name Gett, Democratic ticket.

No. 147, two crosses in the voting square opposite the name Colgan, Republican ticket.

No. 177, identifying mark opposite the name Barber, Republican ticket.

No. 141, crosses in the blank portion of Prohibition column. This ballot is indorsed "This ballot was thrown out, having an identification mark," and signed by the election officers.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 19 ballots and claims that they should be counted for contestant.

## TWENTY-FIRST PRECINCT, FORTY-SECOND ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twenty-first precinct of the Forty-second assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 96 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 96 ballots offered by contestee 84 are unobjectionable ballots. This offer, however, includes 11 ballots, numbered 47, 140, 86, 184, 107, 104, 74, 37, 81, 36, and 12, objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified. And also ballot No. 18, upon which there are two crosses in the voting square after the name Trask, Democratic ticket, which contestant objects to upon the ground that it is illegal and void under the laws and decisions of the State of California and should not be counted.

Mr. TEVLIN. As to ballot No. 18, counsel for contestee renews his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-second assembly district.

There are 4 ballots on which Costley is voted for.

There is 1 ballot, No. 169, upon which both Kahn and Livernash are voted for.

There is 1 ballot on which Porter Ashe is voted for.

There are 3 ballots on which there is no vote for Representative in Congress.

There are 73 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 11 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 13, identifying ink marks in lower margin of ballot.

No. 170, identifying marks on the right-hand marginal line opposite amendment No. 4.

No. 116, identifying marks in the margin of ballot.

No. 3, identifying mark in the voting square opposite amendment No. 8.

No. 187, identifying marks opposite amendment No. 7.

No. 90, identifying mark in the square opposite the name Lane, Democratic ticket.

No. 17, two crosses in the square opposite the name Anderson, Republican ticket.

No. 19, two crosses in the square opposite the name Reeves, Republican ticket.

No. 52, there is an identifying mark, to wit, an attempted erasure in the lower voting square opposite amendment No. 4.

No. 55, there is an attempted erasure in the upper voting square opposite amendment No. 1.

No. 42, there are crosses not in voting squares in the Republican column.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 11 ballots, and claims that they should be counted for contestant.

Here a recess was taken until 2 o'clock p. m.

2 O'CLOCK P. M.

The inspection of the ballots was resumed.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the first, second, third, fourth, and fifth precincts of the Forty-third assembly district? (Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### FIRST PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the first precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 86 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 86 ballots offered by contestee 77 are unobjectionable ballots, but to the following 9 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

Mr. TEVLIN. Contestee objects to counsel for contestant noting any objections to ballots cast in this precinct, or in any precinct of the Forty-third assembly district, on which there is a cross made by the voting stamp in the square opposite the name of Mr. Livernash, on the grounds—

First. That all such ballots which might be objected to, or to which counsel for contestant may assert any objection or objections to their being counted as votes for contestee, should have been produced by contestant as evidence in support of the allegations contained in his notice of contest and within the time limited by law for the production of such evidence, and should have been then objected to.

Second. That the time within which contestant could and should offer evidence as to invalid votes cast for contestee has expired.

And contestee makes the further objection that the proposed objections do not go to any matter alleged in the notice of contest herein, or to any fact in issue between the parties to this proceeding, in that it is not charged either in the notice of contest or in the answer thereto that any illegal or invalid ballots, or any ballots in any way objectionable, were either cast or counted for contestee in this precinct or in any precinct of the Forty-third assembly district.

Mr. DIBBLE. The 9 ballots to which contestant objects are numbered 179, 35, 127, 1, 4, 140, 176, 92, and 139, and the objections are as follows:

No. 179, the name Livernash is voted for in both the Democratic and Union Labor columns, and there are two crosses in the voting square after the name Heenan, Union Labor ticket.

No. 35, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 127, there is an erasure after the name Shaw, Republican ticket.

No. 1, there is an erasure after the name Livernash, Union Labor.

No. 4, two crosses in the voting square after the name Brooks, Republican.

No. 140, an erasure after amendment No. 4.

No. 176, two crosses opposite the name Reynolds, Union Labor.

No. 92, two crosses in the voting square after the name Dockweiler, Democratic.

No. 139, punctures at the upper right-hand corner of the ballot.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 9 ballots should be counted as votes for Mr. Livernash.

There are 3 ballots on which Costley is voted for.

There are 4 ballots on which there is no vote for Representative in Congress, and 2 ballots, Nos. 13 and 132, on which both Costley and Livernash are voted for.

There are 75 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 29 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 54, there is an identifying mark in the voting square opposite the name Daniels, Republican ticket.

No. 26, there is a cross not in a voting square opposite amendment No. 1.

No. 28, crosses not in voting squares opposite amendments Nos. 1 to 6.

No. 33 (so marked for identification), two crosses in the voting square opposite amendment No. 1 and in the voting square opposite the name Pardee, Republican ticket.

No. 95, three crosses in the square opposite the name McClellan, Republican ticket.

No. 53, there is a cross opposite titles of offices judges of the superior court and justices of the peace, Republican ticket.

No. 106, two crosses in the voting square opposite the name Koch, Republican ticket.

No. 68, there is an identifying mark in purple ink over the title "For governor," Democratic ticket.

No. 69, there is an identifying mark in ink in the voting square opposite amendment No. 6.

No. 74, there is a cross in the upper margin of the ballot over the heading "Republican ticket."

No. 80, two crosses in the voting square opposite the name Pardee, Republican ticket.

No. 77, there are crosses not in voting squares opposite amendments Nos. 1 and 2.

No. 84, two crosses in the voting square opposite the name Webb, Republican ticket, and identifying marks in blank portion of Union Labor column.

No. 91, there is an identifying mark, to wit, an attempted erasure in upper voting square of amendment No. 9.

No. 145, there are punctures in the ballot over the name Lindsay and in the voting square opposite the name Lindsay, Democratic ticket.

No. 137 (so marked for identification), there are identifying marks opposite the names McGregor, Mueller, and Reynolds, Union Labor ticket.

No. 148, there is a cross in the right-hand margin of ballot.

No. 168, there is a puncture of the lower voting square of amendment No. 8 and an ink mark in the right-hand margin of ballot.

No. 172, there is an identifying mark, to wit, an attempted erasure opposite the name Fritz, Democratic ticket.

No. 181, there are punctures in the blank portion of Union Labor column and in front of the names Edholm and Attwood, Prohibition ticket.

No. 164, there are identifying marks in the voting square opposite the name Daniels, Republican ticket.

No. 151, two crosses in the voting square opposite the name Van Nostrand, Republican ticket.

No. 159, there is an erasure in the voting square opposite the name Jenks, Democratic ticket.

No. 178, there are punctures over the name Kirk, Republican ticket.

No. 180, there are three crosses in right-hand margin of ballot.

No. 194, two crosses in the voting square opposite the name Russell, Prohibition ticket.

No. 190 (so marked for identification), there are identifying marks in the squares opposite the names Pardee and Webb, Republican ticket.



No. 185, there is a cross not in a voting square, amendment No. 8.

No. 98, there are identifying marks in lead pencil on the back of the ballot.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 29 ballots, and claims that they should be counted for contestant.

## SECOND PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the second precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 65 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 65 ballots offered by contestee 56 are unobjectionable; but to the following 9 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 9 ballots to which contestant objects are numbered 186, 69, 105, 53, 163, 82, 60, 43, and 47, and the objections are as follows:

No. 186, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 69, there is a cross after the title justices of the peace, Democratic ticket.

No. 105, blots in the Democratic column.

No. 53, two crosses in the voting square after the name Sullivan, Democratic ticket.

No. 163, erasure after the name Kahn, Republican ticket.

No. 82, two crosses in the voting square after the name Livernash, Democratic ticket.

No. 60, two crosses in the voting square after the name Lawson, Union Labor ticket.

No. 43, two crosses in the voting square after the name Fritz, Democratic ticket.

No. 47, erasure after the name Costley, Socialist ticket.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 9 ballots should be counted as votes for Mr. Livernash.

There are 2 ballots on which Costley is voted for.

There is 1 ballot, No. 89, on which both Kahn and Livernash are voted for.

There is 1 ballot, No. 188, on which both Costley and Livernash are voted for.

There are 8 ballots on which there is no vote for Representative in Congress.

There are 89 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 19 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 123, two crosses in the voting square opposite the name Brown, Republican.

No. 76, there is a cross upon the line dividing the voting squares opposite the names Kirk and Shannon, Republican.

No. 136, there is an identifying mark in ink through the words "Socialist ticket."

No. 165, there are two crosses in the voting square opposite Daniels, Republican.

No. 10, a cross not in a voting square, amendment No. 1.

No. 14, there are erasures in the squares opposite Farnsworth and Trask, Democratic, and two crosses opposite Pardee, Republican.

No. 83, two crosses opposite Hebbard, Republican.

No. 62, two crosses opposite amendment No. 7.

No. 49, two crosses in the voting square opposite the name Shannon, Republican.

No. 87, two crosses in the voting square opposite the name Heenan, Union Labor.

No. 23, there is a cross opposite the title of office "For associate justices of the supreme court," Democratic.

No. 58, there is an attempted erasure in the lower voting square of amendment No. 1.

No. 7, two crosses in the voting square opposite the name McMartin, Republican.

No. 181, there is a cross not in the voting square, to the right of the name Alderman, Socialist.

No. 33 two crosses in the voting square opposite the name Colgan, Republican.

No. 74, there is an identifying mark in ink in the Republican column.

No. 171, there is a cross not in a voting square, in front of the name Law, Democratic.

No. 1, there are punctures or indentations in the upper blank portion of the column for Independent nominations.

No. 160, there is an erasure opposite the name Reeves, Republican.

No. 177, there is an identifying mark in ink in front of the name Andrew, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 19 ballots, and claims that they should be counted for contestant.

### THIRD PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the third precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 71 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 71 ballots offered by contestee 64 are unobjectionable ballots; but to the following 6 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 6 ballots to which contestant objects are numbered 85, 39, 148, 160, 97, and 59, and the objections are as follows:

No. 85, two crosses in the voting square after the name Lane, Democratic ticket.

No. 39, two crosses in the voting square after the name Lawson, Democratic ticket.

No. 148, pencil erasure after the name Brauhart, Democratic ticket.

No. 160, pencil erasure after the name Law, Democratic ticket.

No. 97, cross after the title judges of the superior court, Union Labor ticket.

No. 59, cross in the wrong square after amendment No. 1 and an erasure after amendment No. 1.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 6 ballots should be counted as votes for Mr. Livernash.

Mr. DIBBLE. Contestant furthermore objects to the offer of 71 ballots voted for Mr. Livernash in this that ballot No. 114 included in the offer has no vote recorded for Mr. Livernash upon it.

Mr. TEVLIN. The objection is denied.

There are 5 ballots upon which Costley is voted for.

There are 2 ballots upon which there is no vote for Representative in Congress.

Mr. DIBBLE. Contestant objects to the offer of 2 ballots upon which there is no vote for Representative in Congress and claims that the offer should be 3, to include ballot No. 114, offered by contestee as a vote for Mr. Livernash.

Mr. TEVLIN. The objection is denied.

There is 1 ballot, No. 33, on which both Kahn and Livernash are voted for.

There are 85 ballots upon which Mr. Kahn is voted for to which contestee makes no objection.

There are 16 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 111, there is an identifying mark in the voting square opposite the name Lane, Democratic.

No. 132, there is an identifying mark opposite the name Van Nostrand, Republican.

No. 124, two crosses in the voting square opposite the name Anderson, Republican.

No. 14, there is an identifying mark in the voting square opposite the name Pardee, Republican.

No. 18, there is a cross in the upper margin of the ballot, over the heading "Democratic ticket."

No. 63, there is a cross not in a voting square over the name Fritz, Democratic.

No. 55, there are identifying marks in the square opposite the names Lane and Dockweiler, Democratic.

No. 43, two crosses in the voting square opposite the name Hebbard, Republican ticket.

No. 35, two crosses in the voting square opposite the name Curry, Republican ticket.

No. 42, there are identifying marks in purple ink in the right-hand margin of the ballot.

No. 162, there is an identifying mark in the voting square opposite the name Pardee, Republican ticket.

No. 150, identifying mark in the square opposite the name Long, Republican ticket.

No. 102, identifying mark, to wit, the word "Yes" written in lead pencil in voting square opposite amendment No. 8.

No. 101, there is an identifying mark in purple ink in the blank portion of Union Labor column.

No. 167, there is an identifying mark in the voting square opposite the name Pardee, Republican ticket.

No. 130, the voter has marked his ballot with pencil. This is indorsed "Not marked with stamp," and signed by the election officers.

MR. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 16 ballots, and claims that they should be counted for contestant.

#### FOURTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourth precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

MR. TEVLIN. There are 51 ballots upon which Mr. Livernash has been voted for.

MR. DIBBLE. Contestant admits that of the 51 ballots offered by contestee 47 are unobjectionable ballots; but to the following 4 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 4 ballots to which contestant objects are numbered 58, 93, 148, and 67, and the objections are as follows:

No. 58, erasure after the name Langdon, Democratic.

No. 93, erasure after the name Langdon, Democratic.

No. 148, two crosses in the voting square after the name Butz, Democratic.

No. 67, a cross in the right-hand margin of the ballot.

MR. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 4 ballots should be counted as votes for Mr. Livernash.

There are 3 ballots on which Costley is voted for.

There are 2 ballots on which Rowell is voted for.

There are 2 ballots upon which there is no vote for Representative in Congress.

There are 90 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 14 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 59, there are two crosses in the voting squares after amendments Nos. 8 and 9.

No. 119, two crosses in the voting square opposite the name McMartin, Republican.

No. 138, there is an erasure after the name Law, Democratic.

No. 156, there is an erasure in the lower voting square opposite amendment No. 1.

No. 157, two crosses in the voting square opposite the name Harkness, Democratic.

No. 94, two crosses in the voting square opposite amendment No. 2.

No. 125, there is a cross upon the line dividing the voting squares opposite the names Curry and Colgan; also on the line dividing the voting squares opposite the names Reeves and Webb; also on the line dividing the voting squares opposite the names Woods and Jordan; also upon the line dividing the voting squares opposite the names Kirk and Shannon; and there are two crosses opposite the name Beatty, Republican ticket.

No. 131, two crosses in the voting square opposite amendment No. 9.

No. 129, crosses opposite titles of offices, judge of the superior court and justices of the peace, Republican ticket.

No. 144, two crosses opposite the name Webster, and a cross opposite title of office judges of the superior court, Republican ticket.



No. 18, there are identifying marks, not crosses, in voting squares in the Republican column.

No. 35, there is an attempted erasure in the lower voting square opposite amendment No. 1.

No. 41, two crosses in the voting square opposite the name Koch, Republican ticket.

No. 54, two crosses in the voting square after the name Dunne, Democratic ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 14 ballots, and claims that they should be counted for contestant.

#### FIFTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifth precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 60 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 60 ballots offered by contestee 54 are unobjectionable ballots; but to the following 6 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 6 ballots to which contestant objects are numbered 95, 33, 132, 107, 45, and 122, and the objections are as follows:

No. 95, two crosses in the voting square after the name Brooks, Democratic ticket.

No. 33, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 132, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 107, erasure after the name Lister, Union Labor ticket, and an erasure after amendment No. 8.

No. 45, erasure after the name Costley, Socialist ticket.

No. 122, voted in lead pencil. This ballot is indorsed "Written in lead pencil," and signed by the election board.

Mr. TEVLIN. Contestee denies each and every objection framed by contestant, and claims that the said 6 ballots should be counted as votes for Mr. Livernash.

There are 3 ballots upon which Costley is voted for.

There are 3 ballots upon which there is no vote for Representative in Congress.

There are 87 ballots upon which Mr. Kahn is voted for, to which contestee makes no objection.

There are 24 ballots upon which Mr. Kahn is voted for, to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 48, crosses not in voting squares opposite the constitutional amendments.

No. 30, two crosses in voting squares opposite the names Cook and Van Nostrand, Republican ticket.

No. 74, two crosses in voting square opposite the name Law, Democratic ticket.

No. 23, two crosses in voting square opposite the name Anderson, Republican ticket.

No. 135, identifying mark in voting square opposite amendment No. 1.

No. 156, attempted erasure opposite the name McClellan, Republican ticket.

No. 114, two crosses opposite the name Angelotti, Republican ticket.

No. 139, a cross over the name Gallagher, Union Labor ticket.

No. 149, identifying mark in purple ink opposite the name Harkness, Democratic ticket.

No. 125, two crosses opposite the name Brown, Republican ticket.

No. 121, two crosses opposite the name Shannon, Republican ticket.

No. 111, erasure in the voting square opposite the name Livernash, Democratic ticket.

No. 150, identifying mark in purple ink in the Democratic column.

No. 128, identifying mark in the voting square opposite the name Anderson, Republican ticket.

No. 10, there is a cross upon the line dividing the voting squares opposite the names Brown and Andrew, Republican ticket.

Mr. DIBBLE. It is submitted that this is not a valid objection under any law or decision in the State of California.

Mr. TEVLIN (continuing). No. 138, cross not in voting square, amendment No. 1.

No. 35, identifying mark in purple ink in Prohibition and Union Labor columns.

No. 19, two crosses in voting square opposite the name Shannon, Republican ticket.

No. 159, two crosses in the voting square opposite amendment No. 1.

No. 108, identifying marks, to-wit, erasures in lower voting square opposite amendment No. 6, and upper voting square opposite amendment No. 7.

No. 148, identifying marks in black ink, foot of Republican column.

No. 40, cross in right-hand margin of ballot.

No. 42, two crosses in voting square opposite the name Curry, and in the voting square opposite amendment No. 9; cross not in voting square opposite amendment No. 8.

No. 44, attempted erasure in the upper voting square, amendment No. 8.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 24 ballots, and claims that they should be counted for contestant.

Here an adjournment was taken to April 3, 1903, at 9 o'clock a. m.

APRIL 3, 1903—9 o'clock a m.

The inspection of the ballots was resumed.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots cast in the sixth, seventh, eighth, ninth, and tenth precincts of the Forty-third assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### SIXTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixth precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 63 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 63 ballots offered by contestee 56 are unobjectionable; but to the following 7 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 7 ballots to which contestant objects are numbered 146, 13, 147, 131, 140, 139, and 101, and the objections are as follows:

Nos. 146 and 13, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 147, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 131, two crosses in the voting square after the name Gallagher, Union Labor ticket, and a cross after the name Angelotti not within a voting square.

No. 140, two crosses in the voting square after amendment No. 7.

No. 139, two crosses in the voting square after the name Wilson, Democratic ticket.

No. 101, a cross after the title justices of the peace in the Republican column.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 7 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot upon which Costley is voted for.

There are 2 ballots upon which Costley and Livernash are voted for—Nos. 150 and 6.

There are 4 ballots upon which there is no vote for Representative in Congress.

There are 63 ballots upon which Mr. Kahn is voted for to which contestee makes no objection.

There are 20 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of the ballots and the grounds of the objections to them are as follows:

No. 113, two crosses opposite the name Hebbard, Republican.

No. 86, two crosses opposite the name Pardee, Republican.

No. 31, erasure in upper voting square opposite amendment No. 7; same, upper voting square, amendment No. 8.

No. 148, two crosses opposite the name Dockweiler, Democratic.

No. 9, two crosses opposite the names Pardee, Curry, Colgan, Kirk, and Williams, Republican.

No. 19, two crosses opposite the name Rosborough; attempted erasure after the names Harkness and Brooks, Democratic.

No. 80, two crosses opposite the names Colgan and Koch, Republican.

No. 95, two crosses opposite the name Webb, Republican.

No. 124, two crosses opposite the name Andrew, Republican ticket.

No. 68, two crosses opposite the name Beatty, Republican ticket.

No. 40, two crosses opposite amendment No. 6.

No. 4, two crosses opposite the name Kirk, Republican ticket; and an erasure opposite the name Cook, Republican ticket.

No. 68, identifying mark, to wit: the words "Deacon Jones" in lead pencil, blank column.

Mr. DIBBLE. It is submitted that this is not a valid objection under any law or decision in the State of California.

Mr. TEVLIN (continuing). No. 53, there is a group of crosses in the blank portion of Union Labor column, and an erasure opposite the name Cook, Republican ticket.

No. 61, two crosses opposite the name Kirk, Republican ticket.

No. 96, two crosses opposite the name Cook, Republican ticket.

No. 137, two crosses opposite amendment No. 2.

No. 109, two crosses opposite the name Hunt, Republican ticket.

No. 92, two crosses opposite the name McMartin, Republican ticket.

No. 44, two crosses opposite the name Webb, Republican ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 20 ballots, and claims that they should be counted for contestant.

#### SEVENTH PRECINCT FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventh precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 74 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 74 ballots offered by contestee 64 are unobjectionable ballots; but to the following 10 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 10 ballots to which contestant objects are numbered 59, 21, 149, 135, 122, 123, 63, 84, 12, and 52, and the objections are as follows:

No. 59, two crosses in the voting square after the name Lister, Union Labor ticket.

No. 21, cross in the wrong square after amendment No. 8.

No. 149, two crosses in the voting square after the name Carroll, Democratic ticket.

No. 135, an attempted erasure after amendment No. 7.

No. 122, a cross after the title judges of the superior court, Democratic.

No. 123, pencil erasure, amendment No. 9.

No. 63, erasure after amendment No. 4.

No. 84, erasure after the name Barduhn, Socialist.

No. 12, two crosses in the voting square after the name Dockweiler, Democratic.

No. 52, crosses in the right-hand margin of ballot.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for



contestant, and claims that the said 10 ballots should be counted as votes for Mr. Livernash.

There are 2 ballots upon which Costley is voted for.

There are 4 ballots upon which there is no vote for Representative in Congress.

There are 67 ballots upon which Mr. Kahn is voted for to which contestee makes no objection.

There are 24 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of the ballots and the grounds of the objections to them are as follows:

No. 150, there are crosses opposite the titles of office judges of the superior court and justices of the peace, Republican ticket.

No. 101, two crosses opposite the name Jordan, Republican ticket.

No. 119, two crosses opposite the name Cook, Republican ticket.

No. 112, two crosses opposite the name Alford, Democratic ticket.

No. 44, there is an erasure opposite the name Trask, Democratic ticket.

No. 7, two crosses opposite the name Williams, Republican ticket.

No. 35, there are crosses not in voting squares opposite amendments Nos. 1 to 7.

No. 5, two crosses opposite the name Dunn, Republican ticket, and opposite the name O'Donnell, Independent nominations.

No. 11, two crosses opposite the names Shaw and McClellan, Republican ticket.

No. 71, two crosses opposite the name Pardee, Republican ticket.

No. 95, the voter has marked his ballot in blue pencil.

No. 100, there is an erasure on the line dividing the voting squares opposite the names Van Nostrand and Williams, Republican ticket.

No. 33, two crosses opposite the names Andrew and Kahn, Republican ticket.

No. 38, two crosses opposite the name Pardee, Republican ticket.

No. 56, there is an identifying mark under the heading "Republican ticket," and identifying marks opposite the constitutional amendments.

No. 54, there is an erasure or attempted erasure in the lower voting square opposite amendment No. 1; and there are two crosses opposite the name Van Nostrand, Republican ticket.

No. 67, two crosses opposite the names Webb and Webster, Republican ticket.

No. 1, two crosses opposite the name Lane, Democratic ticket.

No. 134, there is an identifying mark opposite the name Laverty; there is an attempted erasure opposite the name Laverty, Socialist ticket.

No. 105, two crosses opposite the name Koch, Republican ticket; also two crosses opposite amendment No. 9.

No. 108, there is a cross in the upper left-hand corner of the ballot; there are two crosses in the voting square opposite the name Kahn, Republican ticket.

No. 25, two crosses opposite the name Carroll, Democratic ticket.

No. 161, two crosses opposite the name Holcomb, Democratic ticket.

No. 111 (so marked for identification), the voter has marked his ballot in lead pencil. On this ballot is written the words "Not counted, pencil marks."

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 24 ballots, and claims that they should be counted for contestant.

#### EIGHTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighth precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 46 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 46 ballots offered by contestee 40 are unobjectionable ballots; but to the following 6 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name of Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 6 ballots to which contestant objects are numbered 42, 36, 3, 14, 115, and 56 and the objections are as follows:

Nos. 42 and 36, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 3, attempted erasure after amendment No. 8.

No. 14, two crosses in the voting square after the name Kent, Democratic.

No. 115, a cross in the wrong square after amendment No. 1.

No. 56, a cross in the wrong square after amendment No. 1.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 6 ballots should be counted as votes for Mr. Livernash.

There are 2 ballots on which Costley is voted for.

There are 2 ballots on which there is no vote for Representative in Congress.

There is 1 ballot, No. 78, upon which both Kahn and Livernash are voted for.

Mr. DIBBLE. Contestant objects to this offer (No. 78) upon the ground that there is no vote recorded for Livernash upon this ballot; and further objects upon the ground that the ballot should be counted as a vote for Kahn.

Mr. TEVLIN. There are 76 ballots upon which Mr. Kahn is voted for to which contestee makes no objection.

There are 14 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 72, two crosses in the voting square opposite the name Pardee, Republican.

No. 111, two crosses opposite amendment No. 1.

No. 100, crosses not in voting squares opposite the constitutional amendments.

No. 3, two crosses opposite the name Van Nostrand, and an erasure opposite the name Brown, Republican ticket.

No. 120, there is an erasure in the upper voting square, amendment No. 8.

No. 86, there is an identifying mark in purple ink in the blank portion of the Union Labor column.

No. 68, identifying mark in purple ink over the title of office justices of the peace, Union Labor ticket.

No. 17, there is an identifying mark in purple ink at the foot of the Democratic column.

No. 105, two crosses opposite the name Reeves, Republican ticket.

No. 49, two crosses opposite the name Long, Republican ticket.

No. 51, two crosses opposite the name Lane, Democratic ticket.

No. 95, a cross opposite the title of office judges of the superior court; two crosses opposite the name McMartin, Republican ticket.

No. 31, identifying mark in purple ink opposite the lower voting square of amendment No. 1.

No. 32, crosses not in voting squares opposite the constitutional amendments.

Mr. DIBBLE. Contestant claims that ballot No. 78 should be offered as a Kahn ballot, making the Kahn total vote 91.

Contestant denies the existence of each and every objection framed by contestee to the preceding 14 ballots and claims that they should be counted for contestant.

#### NINTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the ninth precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 65 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 65 ballots offered by contestee 56 are unobjectionable ballots; but to the following 9 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 9 ballots to which contestant objects are numbered 106, 103, 157, 90, 160, 63, 192, 114, and 40, and the objections are as follows:

No. 106, two crosses in the voting squares after the names Lane and Jenks, Democratic.

No. 103, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 157, erasure after the name Livernash, Union Labor ticket.

No. 90, two crosses in the voting square after the name Rosborough, Democratic.

No. 160, pencil erasure after amendment No. 3.

No. 63, two crosses in the voting square after the name Pardee, Republican.

No. 192, two crosses in the voting square after the name Hebbard, Republican.

No. 114, the name "Richard Weber" written in lead pencil in the column marked "Independent nominations."

No. 40, pencil erasure after the name Braunhart, Democratic.

Nos. 114 and 40 were not strung with the other ballots in the precinct, but were in a separate package.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 9 ballots should be counted as votes for Mr. Livernash.

There are 5 ballots on which Costley is voted for.

There are 8 ballots upon which there is no vote for Representative in Congress.

There are 91 ballots upon which Mr. Kahn is voted for to which contestee makes no objection. There are 37 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objection to them are as follows:

No. 135, two crosses in the voting square opposite amendment No. 9.

No. 92, two crosses in the voting squares opposite the names Koch and Daniels, Republican ticket.

No. 173, two crosses in the voting squares opposite the names Curry and Reeves and Cook, Republican ticket.

No. 1, two crosses in the voting square opposite the name Shannon, Republican ticket.

No. 42, two crosses in the voting square opposite the name Pardee, Republican ticket, and amendment No. 8.

No. 143, two crosses in the voting square opposite the name Pardee, Republican ticket.

No. 32, two crosses in the squares opposite the names Lane and Saffold, Democratic ticket.

No. 172, two crosses in the voting squares opposite the names Jordan and Daniels, Republican ticket.

No. 169, two crosses in the voting square opposite amendment No. 4.

No. 170, two crosses in the voting square opposite the name McMartin, Republican ticket.

No. 83, a cross not in a voting square, amendment No. 1.

No. 55, two crosses in the voting square opposite the name Pardee, Republican ticket.

No. 129, two crosses in the voting square opposite the name Anderson and an ink blot at the head of the Republican ticket.

No. 36, two crosses in the voting square after the name Hebbard, Republican ticket.

No. 74, a cross not in a voting square, amendment No. 3.

No. 8, two crosses opposite the name Butz, Democratic ticket.

No. 102, two crosses opposite the names Webb, Hebbard, and Van Nostrand, Republican ticket.

No. 116, two crosses in the voting square opposite the name Lane, Democratic ticket, and a cross in the lower right-hand corner of ballot.

No. 16, crosses not in voting squares opposite amendments.

No. 45, two crosses opposite the names Dockweiler and Trask, Democratic ticket.

No. 66, identifying mark in the lower voting square of amendment No. 1 and attempted erasure in the lower voting square of amendment No. 1.

No. 65, two crosses opposite the name Pardee, Republican ticket.

No. 50, two crosses opposite the name Hunt, Republican ticket, and identifying marks in lead pencil or attempted erasures in lead pencil, opposite the names Richards, Carroll, Sullivan, Lawson, Saffold, and Butz, Democratic ticket.

No. 97, crosses not in voting squares opposite amendments.

No. 203, two crosses opposite the names Anderson and Brown, Republican ticket.

No. 199, two crosses opposite the names Pardee and Andrew, Republican ticket, and two crosses opposite amendment No. 9.

No. 122, two crosses opposite the names Webb and Kahn, Republican ticket, and Rosborough, Democratic ticket.

No. 197, erasure in lower voting square opposite amendment No. 1.

No. 166, crosses not in voting squares opposite the amendments.

No. 206, two crosses opposite the name Reeves, Republican ticket.

No. 190, two crosses opposite the name Reeves, Republican ticket.

No. 71, two crosses opposite the name Kahn, Republican ticket, and opposite amendment No. 8.



No. 188, two crosses opposite the name Pardee, Republican ticket.

No. 67, crosses not in voting squares opposite the amendments.

No. 35, two crosses opposite the names Webb, Jordan, and Beatty, Republican ticket.

No. 127, two crosses opposite amendment No. 7.

No. 41 (so marked for identification), crosses not in voting squares, Republican ticket.

This ballot was not strung with the other votes in the precinct, but was in a separate package.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 37 ballots and claims that they should be counted for contestant.

#### TENTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the tenth precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 47 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 47 ballots offered by contestee 43 are unobjectionable ballots; but to the following 4 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 4 ballots to which contestant objects are numbered 38, 25, 184, and 141, and the objections are as follows:

No. 38, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 25, two crosses in the voting square after amendment No. 6.

No. 184, erasure after amendment No. 1.

No. 141, cross in the right-hand margin of ballot.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 4 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot on which Rowell is voted for.

There is 1 ballot on which Costley is voted for.

There are 4 ballots on which there is no vote for Representative in Congress.

There are 116 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 22 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 119, an erasure in the lower voting square opposite amendment No. 8.

No. 115, two crosses opposite the name Kahn, Republican ticket.

No. 3, two crosses opposite the name Hunt, Republican.

No. 4, two crosses opposite the name Kahn, Republican ticket; identifying mark in right-hand margin of ballot, opposite the upper voting square of amendment No. 8.

No. 95, crosses not in voting squares opposite constitutional amendments.

No. 98, identifying mark in right-hand margin of ballot, opposite amendment No. 3.

No. 41, identifying mark in voting square opposite the name Webb, Republican ticket.

No. 80, erasure in lower voting square of amendment No. 2.

No. 72, ink mark over title "For clerk of the supreme court," Republican ticket.

No. 71, two crosses opposite the name Shannon, Republican ticket.

No. 175, two crosses opposite the name Van Nostrand, Republican ticket.

No. 54, two crosses opposite the name Van Nostrand, Republican ticket, and an erasure in the upper voting square of amendment No. 6.

No. 45, two crosses opposite the name Jordan, Republican ticket.

No. 125, identifying mark in black ink in the right-hand margin of ballot.

No. 137, two crosses opposite the name Curry, Republican ticket.

No. 33, a cross to the left of the names Pardee and Anderson, Republican ticket.

No. 110, attempted erasure in lead pencil opposite the name Cook, Republican ticket.

No. 140, two crosses opposite amendment No. 2.

No. 136, identifying mark opposite the name Webster; attempted erasure opposite the name Webster, Republican ticket.

No. 28, two crosses opposite the names Brown and Daniels, Republican ticket.

No. 44, two crosses opposite the name Webb, Republican ticket.

No. 189, the voter has marked his ballot with lead pencil. This is indorsed "Disqualified ballot," and was not strung with the other ballots cast in the precinct.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 22 ballots, and claims that they should be counted for contestant.

Here a recess was taken until 2 o'clock p. m.

2 O'CLOCK P. M.

The inspection of the ballots was resumed.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the eleventh, twelfth, thirteenth, fourteenth, and fifteenth precincts of the Forty-third assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact, they are duly sealed, and the seals have not been broken.

#### ELEVENTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing ballots cast in the eleventh precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 35 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 35 ballots offered by contestee 30 are unobjectionable ballots; but to the following 5 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 5 ballots to which contestant objects are numbered 165, 10, 44, 21, and 179, and the objections are as follows:

No. 165, two crosses in the voting square opposite the name Lane, Democratic.

No. 10, a cross in the wrong square after amendment No. 8.

No. 44, two crosses in the voting square after the name Pardee, Republican.

No. 21, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 179, a cross in the wrong square after amendment No. 1.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 5 ballots should be counted as votes for Mr. Livernash.

There are 6 ballots on which there is no vote for Representative in Congress.

There are 2 ballots on which William Costley is voted for.

There are 138 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 25 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 193, two crosses opposite the name Williams, Republican.

No. 175, two crosses opposite the name Pardee, Republican ticket.

No. 188, erasure opposite the voting square, amendment No. 5.

No. 141, there is a cross on the line dividing voting squares opposite the names Koch and Daniels, Republican ticket. There is an attempted erasure on the line dividing the said voting squares.

No. 142, two crosses opposite the names Colgan and Reeves, Republican ticket, and opposite Butz, Democratic ticket.

No. 65, two crosses opposite the name Pardee, Republican ticket.

No. 203 (so marked for identification), two crosses opposite the name McMartin, Republican ticket.

No. 177, there is an identifying mark in the upper voting square opposite amendment No. 1. There is an attempted erasure in said voting square.

No. 92, there is an identifying mark, to wit, a burn, in the blank portion of the Socialist column.

No. 113, two crosses opposite the name Jordan, Republican ticket; identifying mark opposite the name Brooks, Democratic ticket.

No. 6, two crosses opposite the name Williams, Republican ticket.

No. 34, identifying mark in the lower voting square opposite amendment No. 7.

No. 51, two crosses opposite the name Pardee, Republican ticket.

No. 52, there is a cross not in a voting square opposite amendment No. 1.

No. 147, there is an identifying mark opposite the name Curry, Republican ticket.

No. 151, there is a cross opposite the title of office justices of the peace, Republican ticket.

No. 150, there are three crosses opposite the name Cook, Republican ticket.

No. 196, two crosses opposite the name Long, Republican ticket.

No. 201, two crosses opposite amendment No. 1; also opposite the names Long, and Dunn, Republican ticket.

No. 17, there is an identifying mark opposite the name Saffold, Democratic ticket.

No. 31, there is an identifying mark opposite the name Pardee, Republican ticket.

No. 15, two crosses opposite the name Dunn, Republican ticket.

No. 84, there is an identifying mark opposite the name Pardee, Republican ticket.

No. 97, two crosses opposite the name Jordan, Republican ticket.

No. 135, there is an attempted erasure in lead pencil in the upper voting square of an amendment No. 9.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceeding 25 ballots, and claims that they should be counted for contestant.

## TWELFTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twelfth precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 29 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 29 ballots offered by contestee 25 are unobjectionable ballots; but to the following 4 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 4 ballots to which contestant objects are numbered 97, 98, 100, and 1, and the objections are as follows:

No. 97, the name Livernash voted for in both the Democratic and Union Labor columns.

No. 98, blot in the Republican column in front of the title justices of the peace.

No. 100, blot in the Republican column in front of the title justices of the peace.

No. 1, pencil erasure in the voting square after the name Braunhart, Democratic.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 4 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot on which Costley is voted for.

There are 7 ballots on which there is no vote for Representative in Congress.

There are 101 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 15 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none



of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

- No. 19, two crosses in the voting square opposite amendment No. 1.
  - No. 23, two crosses in the voting square opposite amendment No. 3.
  - No. 20, two crosses opposite the name Van Nostrand, Republican.
  - No. 53, there is an identifying mark, to wit, a cross, upon the line dividing the voting squares opposite the names Dunn and Koch, Republican.
  - No. 62, two crosses opposite the name McMartin, Republican.
  - No. 72, two crosses opposite Saffold, Democratic.
  - No. 8, two crosses in the voting square opposite the name Lane, Democratic.
  - No. 7, there is a cross, not in a voting square, opposite amendment No. 1. There are two crosses in the lower voting square opposite amendment No. 1. There are two crosses opposite the name Anderson, Republican ticket.
  - No. 87, there is an erasure opposite the name Webster, Republican ticket.
  - No. 94, two crosses opposite the name Rosborough, Democratic ticket.
  - No. 127, there is an identifying mark in black ink in front of the name Angelotti, Republican ticket.
  - No. 115, two crosses opposite the name Beatty, Republican ticket.
  - No. 136, two crosses opposite the name Colgan, Republican ticket.
  - No. 152, two crosses opposite the names Wilson and Carroll, Democratic ticket.
  - No. 17, two crosses opposite the name Alford, Democratic ticket.
- Mr. DIBBLE. Contestant denies the existence of each and every objection framed by contestee to the preceding 15 ballots, and claims that they should be counted for contestant.

### THIRTEENTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the thirteenth precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 42 ballots on which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 42 ballots offered by contestee 37 are unobjectionable ballots; but to the following 5 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 5 ballots to which contestant objects are numbered 67, 171, 132, 164, and 36, and the objections are as follows:

No. 67, erasure after the name Farnsworth, Democratic ticket.

No. 171, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 132, an erasure after the name Langdon, Democratic ticket.

No. 164, an erasure by the cutting away of the voting square after the name Kent, Democratic ticket.

No. 36, two crosses in the voting square after the name Dunn, Republican ticket.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 5 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot on which Costley is voted for.

There are 5 ballots on which there is no vote for Representative in Congress.

There are 148 ballots on which Mr. Kahn is voted for to which contestee makes no objections.

There are 15 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 127, two crosses opposite the name Williams, Republican.

No. 188, two crosses opposite the name Anderson, Republican.

No. 189, there is a cross not in a voting square opposite amendment No. 1.

No. 176, two crosses opposite the name Lane, Democratic ticket; two crosses opposite the name Colgan, Republican ticket, and also opposite the name Reeves; and there is a cross in each of the voting squares opposite the names Colgan and Reeves, and also a cross on the line dividing said voting squares.

No. 128, there is a cross opposite the title of office justices of the peace.

No. 152, there is an erasure in the upper voting square opposite amendment No. 3.

No. 184, two crosses opposite the name Jordan, Republican ticket.

No. 39, there are crosses not in voting squares opposite amendments Nos. 1 to 5.

No. 134, two crosses opposite amendment No. 1.

No. 180, two crosses opposite Anderson, Republican ticket.

No. 29, the voter has not indicated his choice with the voting stamp.

No. 88, two crosses opposite the name Lindsay, Democratic ticket.

No. 110, two crosses opposite the name Cook, Republican ticket.

No. 153, two crosses opposite the name McClellan, Republican ticket.

No. 46, three crosses in the voting square opposite amendment No. 1.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 15 ballots, and claims that they should be counted for contestant.

#### FOURTEENTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourteenth precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 63 ballots on which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 63 ballots offered by contestee 54 are unobjectionable ballots; but to the following 9 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 9 ballots to which contestant objects are numbered 66, 93, 14, 110, 123, 168, 176, 149, and 30, and the objections are as follows:

No. 66, cross in the wrong square after amendment 1.

No. 93, blot in the Republican column.

No. 14, two crosses in the voting square opposite the name Brown, Republican ticket.

No. 110, erasure after the name Campbell, Prohibition ticket, and two crosses in the voting square after amendment No. 7.

Nos. 123, 168, 176, and 149, the name Livernash is voted for in both the Democratic and Union Labor tickets.

No. 30, a cross after the titles judges of the superior court and justices of the peace, Union Labor ticket. This ballot is indorsed "Rejected for the reason of being marked in Union Labor column with two crosses," and is signed by the election board.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant to said ballots, and claims that the said 9 ballots should be counted as votes for Mr. Livernash.

There are 3 ballots on which Costley is voted for.

There is 1 ballot on which Rowell is voted for.

There are 3 ballots on which there is no vote for Representative in Congress.

There are 82 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 27 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 135, two crosses in the voting square opposite the name Pardee, Republican.

No. 160, two crosses in the voting square after the names McClellan and Van Nostrand, Republican.

No. 94, erasure in the upper voting square opposite amendment No. 8, and two crosses opposite the name Koch, Republican.

No. 4, identifying mark opposite the names Pardee and Woodman, Democratic.

No. 20, identifying mark opposite Pardee, and three crosses opposite Curry, Republican.

No. 44, two crosses opposite the name Lane, Republican ticket.

No. 72, two crosses opposite the names Kirk, Kahn, McMartin, Republican ticket.

No. 43, two crosses in the voting square opposite the name Hunt, Republican ticket.

No. 98, two crosses in the voting square opposite the name Cook, Republican ticket.

No. 107, two crosses in the voting square opposite the name Hebbard, Republican ticket.

No. 29, two crosses in the voting square opposite the name Lane, Democratic ticket.

No. 131, erasure in the upper voting square of amendment No. 7.

No. 173, two crosses in the voting squares after the names Pardee and Koch, Republican ticket.

No. 28, identifying mark opposite the name Colgan, Republican ticket.

No. 31, two crosses in the voting squares opposite amendments Nos. 2 and 3.

No. 65, two crosses in the voting square opposite the name Brown, Republican ticket, and opposite amendment 8.

No. 81, two crosses in the voting square opposite the name Koch, Republican ticket.

No. 82, identifying mark in voting square opposite the name Lane, Democratic ticket.

No. 38, two crosses in the voting square opposite the name Van Nostrand, Republican ticket.

No. 59, two crosses in the voting square opposite the name McMartin, Republican ticket.

No. 139, two crosses in the voting square opposite the name Angelotti, Republican ticket.

No. 103, two crosses in the voting square opposite the name Braunhart, Democratic ticket.

No. 36, identifying mark in voting square opposite the name Pardee, Republican ticket.

No. 27, two crosses in the voting square opposite the name Pardee, Republican ticket.

No. 55, two crosses in the voting square opposite the name Hebbard, Republican ticket.

No. 13, two crosses in the voting square opposite amendment No. 4.

No. 63, two crosses in the voting square opposite the name Kent, Democratic ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 27 ballots, and claims that they should be counted for contestant.

#### FIFTEENTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifteenth precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 63 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 63 ballots offered by contestee 55 are unobjectionable ballots; but to the following 8 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 8 ballots to which contestant objects are numbered 132, 82, 138, 11, 81, 76, 6, and 124, and the objections are as follows:

No. 132, two crosses in the voting square after the name Harkness, Democratic ticket.

No. 82, cross in the wrong square after amendment No. 1.

No. 138, crosses in the wrong squares after amendments Nos. 8 and 9.

No. 11, two crosses in the voting square after the name McGregor, Union Labor ticket.

No. 81, cross in the wrong square after amendment No. 1.

No. 76, erasure after the title justices of the peace, Republican ticket.

No. 6 and No. 124, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 8 ballots should be counted as votes for Mr. Livernash.



There is 1 ballot, No. 57, on which both Kahn and Livernash are voted for.

There is 1 ballot, No. 170, on which both Costley and Livernash are voted for.

There are 6 ballots on which there is no vote for Representative in Congress.

There are 95 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 20 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 172, there is a cross in each of the squares opposite Dunne and Koch, and a cross upon the line dividing said squares, Republican ticket.

No. 149, two crosses opposite amendment No. 9.

No. 119, there is an identifying mark in the square opposite the name Lane, and also in the square opposite the name Wilson, Democratic.

No. 54, two crosses in the voting squares opposite the names Williams and Pardee, Republican.

No. 26, there are crosses not in the voting squares after amendments Nos. 3, 5, and 6.

No. 12, there is an identifying mark in the voting square after the name Pardee, Republican.

No. 1, there are four crosses in the voting square opposite the name Williams, Republican ticket.

No. 162, two crosses in the voting squares opposite the names Shannon and McMartin, Republican ticket.

No. 146, two crosses in the voting square opposite the name Wilson, Democratic ticket.

No. 80, two crosses opposite the names McClellan and Koch, Republican ticket.

No. 164, there is an erasure in the upper voting square opposite amendment No. 4. There are two crosses in the voting squares opposite the names Kirk and Shannon, Republican ticket.

No. 9, two crosses in the voting squares opposite the names Hunt, Cook, and Brown, Republican ticket.

No. 19, there is a blot opposite amendment No. 8.

No. 3, there is a cross in the voting squares opposite the names Long and Dunne, and a cross upon the line dividing said voting squares, Republican ticket.

No. 180, two crosses opposite the name Hebbard, Republican ticket.

No. 165, two crosses in the voting square opposite the name Sullivan, Democratic ticket.

No. 84, two crosses opposite Curry, Hunt, and Van Nostrand, Republican ticket.

No. 15, there is a cross not in a voting square opposite amendment No. 5, and not in the voting squares after amendments Nos. 5 and 8.

No. 151, two crosses opposite amendment No. 6.

No. 29, there is a cross on the edge of the right-hand margin opposite amendment No. 4.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 20 ballots, and claims that they should be counted for contestant.

Here an adjournment was taken until April 4, 1903, at 9 o'clock a. m.

APRIL 4, 1903—9 o'clock a. m.

The inspection of the ballots was resumed.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the sixteenth, seventeenth, eighteenth, and nineteenth precincts of the Forty-third assembly district, and in the first precinct of the Forty-fourth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### SIXTEENTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixteenth precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 66 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 66 ballots offered by contestee 61 are unobjectionable ballots; but to the following 5 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 5 ballots to which contestant objects are numbered 5, 167, 208, 147, and 115, and the objections are as follows:

No. 5, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 167, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 208, two crosses in the voting squares after the names Beatty and Van Nostrand, Republican ticket.

No. 147, three crosses in the voting square opposite amendment No. 8.

No. 115, a cross in the wrong square after amendment No. 1.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 5 ballots should be counted as votes for Mr. Livernash.

There are 2 ballots on which Costley is voted for.

There are 2 ballots on which Rowell is voted for.

There are 7 ballots on which there is no vote for Representative in Congress. This offer includes a ballot on which the voter has indicated his choice in lead pencil instead of with the official stamp.

There is 1 ballot, No. 29, on which both Livernash and Kahn are voted for.

There is 1 ballot, No. 18, on which Rowell and Livernash are voted for.

There are 117 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 12 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 204, two crosses in the voting square opposite the name Pardee, Republican.

No. 188, two crosses in the voting square opposite the name Butz, Democratic.

No. 52, two crosses in the voting square opposite amendment No. 6.

No. 13, two crosses in the voting square opposite the name Colgan, Republican.

No. 49, two crosses in the voting square opposite the name Lane, Democratic ticket.

No. 4, crosses not in voting squares opposite the constitutional amendments.

No. 51, cross on the line dividing the voting squares opposite the names Dunn and Cook, Republican ticket; two crosses in the voting square opposite the name Koch, Republican ticket.

No. 210, two crosses in the voting square opposite the name Lane, Democratic ticket.

No. 208, two crosses opposite the name Gett, Democratic ticket.

No. 194, two crosses in the voting square opposite the name Beatty, Republican ticket.

No. 74, two crosses in the voting square opposite the name Hebbard, Republican ticket.

No. 117, two crosses in the voting square opposite the name Angelotti, Republican ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 12 ballots, and claims that they should be counted for contestant.

#### SEVENTEENTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventeenth precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 85 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 85 ballots offered by contestee 76 are unobjectionable ballots; but to the following 9 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 9 ballots to which contestant objects are numbered 183, 180, 115, 116, 131, 40, 175, 138, and 170, and the objections are as follows:

Nos. 183, 180, and 115, the name Livernash is voted for in both the Democratic and Union Labor tickets.

No. 116, two crosses in the voting square after the name Law, Democratic ticket, and an attempted erasure after the name Kent, Democratic ticket.

No. 131, a cross after the name Kirk not within the voting square, Republican ticket.

No. 40, two crosses in the voting square after amendment No. 6.

No. 175, an erasure after the name Fritz, Democratic ticket.

No. 138, two crosses in the voting square after the name Carroll, Democratic ticket.

No. 170, pencil lines over the name C. C. O'Donnell, in the column marked "Independent nominations."

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 9 ballots should be counted as votes for Mr. Livernash.

There are 2 ballots on which Costley is voted for.

There are 8 ballots on which there is no vote for Representative in Congress.

There are 104 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 17 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 67, two crosses in the voting square opposite the name Jordan, Republican.

No. 1, crosses on the margin in the lower right-hand corner of ballot.

No. 20, two crosses in the voting square opposite the name Kirk, Republican ticket.

No. 44, a cross not in a voting square opposite amendment No. 1.

No. 111, two crosses in the voting square opposite the name Kahn, Republican.

No. 124, two crosses in the voting square opposite the name Kahn, Republican.

No. 4, identifying mark in lower voting square of amendment No. 1; attempted erasure in said square.

No. 22, identifying mark opposite the name Van Nostrand, Republican ticket.

No. 36, two crosses in the voting square opposite the name Daniels, Republican ticket.

No. 50, identifying mark opposite the name Fritz, Democratic ticket.

No. 48, three crosses in a voting square opposite amendment No. 8.

No. 61, identifying mark in black ink opposite the name Dunn, Republican ticket.

No. 84, a cross not in a voting square opposite amendment No. 6.

No. 165, two crosses in the voting square opposite the name Dunne, Democratic ticket.

No. 78, a cross at the head of the Republican ticket.

No. 29, two crosses in the voting square opposite the name Lane, Democratic ticket.

No. 16, erasure opposite the name Andrew, Republican ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 17 ballots, and claims that they should be counted for contestant.

#### EIGHTEENTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighteenth precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 91 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 91 ballots offered by contestee 79 are unobjectionable ballots; but to the following 12 ballots contestant objects upon the ground that they are invalid and void under the laws and decisions of the State of California, and should not be counted.



(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 12 ballots to which contestant objects are numbered 106, 152, 128, 149, 112, 165, 134, 35, 9, 138, 132, and 29, and the objections are as follows:

Nos. 106 and 152, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 128, two crosses in the voting square after the name Gett, Democratic ticket.

No. 149, crosses in the wrong squares after amendments Nos. 1 to 9, inclusive.

No. 112, two crosses in the voting square after the name Fritz, Democratic ticket.

No. 165, two crosses in the voting square after the name Sullivan, Democratic ticket.

No. 134, two crosses in the voting square after the name Koch, Republican ticket.

No. 35, crosses after the titles judges of the superior court and justices of the peace, Union Labor.

No. 9, two crosses in the voting square after amendment No. 3.

No. 138, crosses in the wrong squares after amendments Nos. 1 to 9, inclusive, and the name Livernash voted for in both the Democratic and Union Labor columns.

No. 132, erasure after the name Barduhn, Socialist ticket.

No. 29, a cross after the title judges of the superior court, Union Labor ticket.

Mr. TEVLIN. Contestee denies the existence of each and every objection framed by counsel for contestant, and claims that the said 12 ballots should be counted as votes for Mr. Livernash.

There are 6 ballots on which Costley is voted for.

There are 7 ballots on which there is no vote for Representative in Congress.

There are 82 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 10 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should have been counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 116, two crosses in a voting square opposite amendment No. 6.

No. 66, two crosses opposite the name Kahn, Republican ticket, and amendment No. 6.

No. 8, identifying mark opposite the name Reynolds, Union Labor ticket.

No. 96, two crosses in the voting square opposite the name Van Nostrand, Republican ticket.

No. 17, two crosses in the voting square opposite amendment No. 8.

No. 16, a cross in the right-hand margin of ballot, opposite amendment No. 3.

No. 120, two crosses in the voting square opposite the name Pardee, Republican ticket.

No. 173, identifying mark in lower voting square opposite amendment No. 5; attempted erasure in said square.

No. 5, two crosses in the voting square after the name Dunne, Democratic ticket.

No. 174, a cross not in a voting square opposite amendment No. 8.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 10 ballots, and claims that they should be counted for contestant.

#### NINETEENTH PRECINCT, FORTY-THIRD ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the nineteenth precinct of the Forty-third assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 81 ballots on which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 81 ballots offered by contestee, 68 are unobjectionable ballots, but to the following 13 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the squares opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-third assembly district.)

The 13 ballots to which contestant objects are numbered 12, 78, 57, 84, 134, 153, 107, 49, 52, 113, 5, 9, and 98, and the objections are as follows:

Nos. 12, 78, and 57, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 84, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 134, pencil erasure after the name Dunne, Democratic ticket.

No. 153, attempted erasure after the name Carroll, Democratic ticket.

No. 107, erasure after the name Dunne, Democratic ticket.

No. 49, erasure after the name Livernash, Democratic ticket.

No. 52, erasure after the name Dunne, Democratic ticket.

No. 113, a cross in the wrong square after amendment No. 8 and the name Livernash voted for in both the Democratic and Union Labor columns.

No. 5, erasure after the name Livernash, Union Labor.

No. 9, two crosses in the voting square after the name Angelotti, Republican.

No. 98, two crosses in the voting square after the name Richards, Democratic ticket, and crosses on the back of the ballot.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 13 ballots should be counted as votes for Mr. Livernash.

There are 6 ballots on which Costley is voted for.

There are 7 ballots on which there is no vote for Representative in Congress.

There are 90 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 9 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding.

The numbers of these ballots and the grounds of the objections to them are as follows:

No. 161, two crosses in the voting square after amendment No. 1.

No. 141, erasures opposite the names Dunne and Fritz, Democratic ticket.

No. 175, a cross upon the line dividing the voting squares opposite Koch and Daniels, Republican ticket.

Mr. DIBBLE. It is submitted that it is not a valid objection under any law or decision in the State of California.

Mr. TEVLIN (continuing). And two crosses in the voting square opposite the name Daniels, Republican ticket.

No. 164, three crosses in the voting square opposite amendment No. 6.

No. 87, a cross not in a voting square after amendment No. 1.

No. 16, two crosses opposite the name Webster, Republican ticket.

No. 23, two crosses opposite the name Jordan, Republican ticket.

No. 10, a cross opposite the title justices of the peace, Republican ticket.

No. 99, three crosses in the square opposite the name Brown, Republican ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection frame by counsel for contestee to the preceding 9 ballots and claims that they should be counted for contestant.

#### FIRST PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the first precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 57 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 57 ballots offered by contestee, 51 are unobjectionable ballots, but to the following 6 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

Mr. TEVLIN. Contestee objects to counsel for contestant noting any objections to ballots cast in this precinct, or in any precinct of the Forty-fourth assembly district, on which there is a cross made by the voting stamp in the square opposite the name of Mr. Livernash on the grounds—

First. That all such ballots which might be objected to, or to which counsel for contestant may assert any objection or objections to their being counted as votes for contestee, should have been produced by contestant as evidence in support of the allegations contained in his notice of contest and within the time limited by law for the production of such evidence, and should have been then objected to.

Second. That the time within which contestant could and should offer evidence as to invalid votes cast for contestee has expired.

And contestee makes the further objection that the proposed objections do not go to any matter alleged in the notice of contest herein, or to any fact in issue between the parties to this proceeding, in that it is not charged, either in the notice of contest or in the answer thereto, that any illegal or invalid ballots, or any ballots in any way objectionable, were either cast or counted for contestee in this precinct.

Mr. DIBBLE. The 6 ballots to which contestant objects are numbered 147, 131, 52, 112, 68, and 7, and the objections are as follows:

Nos. 147, 131, and 52, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 112, crosses in the wrong squares after amendments Nos. 1 to 9, inclusive, and an erasure after the name Williams, Prohibition ticket.

No. 68, crosses opposite the titles judges of the superior court and justices of the peace, Democratic ticket.

No. 7, erasure after the name Wilson, Democratic ticket.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 6 ballots should be counted as votes for Mr. Livernash.

There are 4 ballots on which Costley is voted for.

There is 1 ballot on which Rowell is voted for.

There is 1 ballot, No. 99, on which Kahn and Rowell are voted for.

There is 1 ballot, No. 43, on which Costley and Livernash are voted for.

There are 7 ballots on which there is no vote for Representative in Congress.

There are 4 ballots, Nos. 70, 152, 23, and 81, on which Kahn and Livernash are voted for.

There are 68 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 13 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 144, crosses not in voting squares opposite amendments Nos. 1 and 5.

No. 24, two crosses in the squares opposite Kahn and McClellan, Republican ticket.

No. 93, crosses opposite the titles judges of the superior court and justices of the peace.

No. 67, two crosses in the square opposite Dunne, Democratic ticket.

No. 26, two crosses opposite the name Shannon, Republican ticket.

No. 27, two crosses opposite Williams, Republican ticket.

No. 47, three crosses opposite Webster, Republican ticket.

No. 116, two crosses opposite Woods, Republican ticket.

No. 40, two crosses opposite McClellan, Republican ticket.

No. 122, crosses opposite the titles judges of the superior court and justices of the peace, Republican ticket.

No. 88, two crosses opposite Beatty, Republican ticket.

No. 156, two crosses opposite amendments Nos. 5 and 7.

No. 148, cross in margin of ballot, also in right-hand corner of ballot.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 13 ballots, and claims that they should be counted for contestant.

Here a recess was taken until 2 o'clock p. m.

2 O'CLOCK P. M.

The inspection of the ballots was resumed.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the second, third, fourth, fifth, sixth, seventh, and eighth precincts of the Forty-fourth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact, they are duly sealed, and the seals have not been broken.



## SECOND PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelopes containing the ballots cast in the second precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 93 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 93 ballots offered by contestee 75 are unobjectionable ballots. This offer, however, includes 18 ballots, numbered 153, 34, 74, 66, 104, 7, 36, 39, 72, 159, 89, 47, 94, 49, 48, 78, 3, and 51, objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

There are 2 ballots on which Costley is voted for.

There are 2 ballots on which Rowell is voted for.

There are 13 ballots on which there is no vote for Representative in Congress.

There is 1 ballot, No. 18, on which both Kahn and Livernash are voted for.

There are 34 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 19 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 4, two crosses opposite Braunhart, Democratic.

No. 144, there is an identifying ink mark in the right-hand margin of the ballot.

No. 57, two crosses opposite amendment No. 7.

No. 29, two crosses opposite Kahn, Republican.

No. 126, two crosses opposite Beatty, Republican.

No. 10, two crosses opposite Colgan, Republican, and there is a cross on the line dividing the voting squares opposite Anderson and Curry and a cross in each of the squares opposite amendments Nos. 7 and 8.

No. 130, two crosses opposite the names Williams and Hart, Republican.

No. 150, the voter has not indicated his choice with the voting stamp.

No. 85, two crosses opposite Hebbard, Republican ticket.

No. 115, two crosses opposite Koch, Republican ticket.

No. 55, two crosses opposite Cook, Republican ticket.

No. 58, pencil crosses opposite Pardee, Anderson, and Curry, Republican ticket.

No. 59, two crosses opposite Long, Republican ticket.

No. 71, two crosses opposite amendment No. 1.

No. 83, two crosses opposite Webster, Republican ticket.

No. 160, there is an identifying mark opposite Wheeler, Socialist ticket.

No. 12, two crosses opposite the name Harkness, Democratic ticket.

No. 31, identifying marks in purple ink on the back of the ballot.

No. 86, two crosses opposite Curry, Republican ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 19 ballots, and claims that they should be counted for contestant.

## THIRD PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the third precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 52 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 52 ballots offered by contestee 44 are unobjectionable ballots; but to the following 8 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

Mr. DIBBLE. The 8 ballots to which contestant objects are numbered 12, 11, 6, 96, 77, 141, 62, and 29, and the objections are as follows:

No. 12, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 11, erasure after amendment No. 4.

No. 6, a cross in the middle of the column marked "Independent nominations."

No. 96, two crosses in the voting square opposite the name Lindsay, Democratic ticket.

No. 77, two crosses in the voting square after amendment No. 3.

No. 141, a cross in the upper margin of ballot.

No. 62, erasure after the name Jenks, Democratic ticket.

No. 29, erasure after the name Cook, Republican ticket.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 8 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot on which Costley is voted for.

There are 5 ballots on which there is no vote for Representative in Congress.

There is 1 ballot, No. 128, on which both Costley and Livernash are voted for.

There are 76 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 10 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 16, two crosses opposite Williams, Republican ticket.

No. 15, two crosses opposite Long, Republican ticket.

No. 132, erasure opposite amendment No. 9.

No. 71, two crosses opposite Pardee Republican ticket.

No. 102, two crosses opposite amendment No. 1.

No. 72, erasure opposite Long, Republican ticket.

No. 75, identifying mark opposite Angelotti, Republican ticket.

No. 22, two crosses opposite Anderson, Republican ticket.

No. 63, identifying mark in the voting square opposite amendment No. 9.

No. 92, identifying mark opposite Reeves; attempted erasure opposite the name Reeves, Republican ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 10 ballots, and claims that they should be counted for contestant.

#### FOURTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 57 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 57 ballots offered by contestee 44 are unobjectionable ballots; but to the following 13 ballots contestant objects upon the ground that they are invalid and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 13 ballots to which contestant objects are numbered 28, 91, 84, 97, 132, 110, 53, 45, 18, 119, 120, 38, and 78, and the objections are as follows:

No. 28, erasure after the name Kahn, Republican ticket.

No. 91, erasure after amendment No. 5, and two crosses after Jenks, Democratic ticket.

No. 84, punctures in the left-hand corner of ballot.

No. 97, two crosses opposite Holcomb, Democratic ticket.

No. 132, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 110, erasure after amendments Nos. 4 and 5.

No. 53, crosses in the wrong squares after amendments Nos. 1 to 9, inclusive.

No. 45, two crosses in a voting square after amendment No. 1.

No. 18, erasure after Pardee, Republican ticket.

No. 119, pencil writing in voting square after amendment No. 8.

No. 120, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 38, two crosses after the name Livernash, Democratic ticket.

No. 78, the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 13 ballots should be counted as votes for Mr. Livernash.

There is one ballot, No. 123, upon which Costley and Livernash are voted for. There are 9 ballots upon which there is no vote for Representative in Congress.

There is 1 ballot upon which Rowell is voted for.

There are 3 ballots upon which Costley is voted for.

There are 37 ballots upon which Mr. Kahn is voted for to which contestee makes no objection. There are 28 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots, and the grounds of the objections to them are as follows:

No. 8, two crosses opposite Kahn, Republican ticket.

No. 48, two crosses opposite Hart, Republican ticket.

No. 29, crosses after titles of office judges of the superior court and justices of the peace, Republican ticket.

No. 79, identifying mark opposite Hunt, Republican ticket.

No. 93, two crosses after Pardee; identifying marks in the voting squares after Curry, Colgan, Reeves, Webb, Kirk, Brown, and Williams, Republican ticket.

No. 107, two crosses in right-hand margin of ballot.

No. 72, a cross not in a voting square, amendment No. 8.

No. 39, identifying mark in purple ink, head of Union Labor ticket.

No. 31, two crosses opposite Dockweiler, Democratic ticket.

No. 77, two crosses opposite Angelotti and a cross after title of office justices of the peace, Republican ticket.

No. 83, a cross after the title judges of the superior court, Democratic ticket.

No. 40, two crosses after Kahn, Republican ticket.

No. 36, cross not in a voting square, amendment No. 8.

No. 33, two crosses opposite Colgan, Republican ticket.

No. 22, two crosses opposite Van Nostrand, Republican ticket.

No. 12, the word "No" in lead pencil opposite amendment No. 8.

No. 104, two crosses after Pardee, Andrew, and Hart, Republican ticket.

No. 128, two crosses opposite Kahn, Republican ticket.

No. 20, two crosses opposite Williams, Republican ticket.

No. 7, two crosses opposite Reeves, Republican ticket.

No. 121, two crosses opposite Van Nostrand, Republican ticket.

No. 95, two crosses opposite Pardee, Republican ticket.

No. 94, identifying mark opposite Shaw, Republican ticket.

No. 66, identifying mark in lower voting square, amendment No. 3; attempted erasure in said square.

No. 62, identifying mark opposite Williams, Republican ticket.

No. 56, two crosses opposite Daniels, Republican ticket.

No. 52, two crosses opposite Pardee, Republican ticket.

No. 13, the voter has indicated his choice in pencil.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 28 ballots, and claims that they should be counted for contestant.

#### FIFTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 76 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 76 ballots offered by contestee 64 are unobjectionable ballots; but to the following 12 ballots contestant objects upon the ground that they are invalid and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in



which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 12 ballots to which contestant objects are numbered 200, 40, 22, 16, 5, 154, 172, 122, 84, 118, 25, and 4, and the objections are as follows:

Nos. 200 and 40, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 22, a blot in the Prohibition column.

No. 16, a blot in the Republican column.

No. 5, two crosses in the voting square after the name Lawson, Democratic ticket.

No. 154, a cross after the title judges of the superior court.

No. 172, a cross in the wrong square after amendment no. 8.

No. 122, two crosses in the voting square after the name Webb, Republican ticket.

No. 84, two crosses in the voting square after the name Trask, Democratic ticket.

No. 118, a cross after the title judges of the superior court, Republican ticket.

No. 25, numerous crosses in the voting square after the name Shannon, Republican ticket.

No. 4, the voter has failed to mark the ballot with the voting stamp.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 12 ballots should be counted as votes for Mr. Livernash.

There are 3 ballots on which Rowell is voted for, 5 upon which Costley is voted for, and 12 ballots upon which there is no vote for Representative in Congress.

There are 79 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 31 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 187, there is a cross after the title of office judges of the superior court, Republican ticket.

No. 56, two crosses after Carroll, Democratic ticket.

No. 135, cross after the title judges of the superior court, Republican ticket.

No. 134, erasure in lower voting square, amendment No. 1.

No. 204, two crosses after Dockweiler, Democratic ticket.

No. 136, two crosses after McClellan, Republican ticket.

No. 46, two crosses after Daniels, Van Nostrand, and Hart, Republican ticket.

No. 133, identifying marks in lower voting square, amendment No. 9.

No. 82, two crosses opposite Long, Republican ticket.

No. 62, two crosses opposite Koch and Van Nostrand, Republican ticket.

No. 117, two crosses opposite Anderson, Republican ticket.

No. 143, a cross not in a voting square, amendment No. 6.

No. 194, crosses in lead pencil opposite Pardee, Anderson, and Curry, Republican ticket.

No. 120, identifying mark in ink at the head of Prohibition ticket.

No. 27, cross not in a voting square, amendment No. 1.

No. 13, crosses opposite titles of offices judges of the superior court and justices of the peace, Republican ticket.

No. 201, erasure in the lower voting square of amendment No. 1.

No. 67, two crosses opposite amendment No. 6.

No. 76, two crosses opposite Curry and Dun, Republican ticket.

No. 94, two crosses opposite Reeves and Shannon, Republican ticket; identifying mark opposite amendment No. 8.

No. 87, two crosses opposite Webster, Republican ticket.

No. 95, two crosses opposite Daniels, Republican ticket.

No. 104, two crosses opposite Anderson, Woods, Kahn, and McClellan, Republican ticket.

No. 108, two crosses opposite Hebbard, Republican ticket.

No. 156, two crosses opposite amendment No. 3.

No. 147, two crosses opposite Daniels, Republican ticket.

No. 161, two crosses opposite Brown, Republican ticket.

No. 149, two crosses opposite amendment No. 9.

No. 183, the voter has indicated his choice in lead pencil.

No. 106, the voter has indicated his choice in lead pencil.

No. 42, crosses not in voting squares. This ballot is indorsed "Not counted, as marked in wrong place," and signed by the election officers.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 31 ballots, and claims that they should be counted for contestant.

## SIXTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 98 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 98 ballots offered by contestee 74 are unobjectionable ballots. This offer, however, includes 24 ballots—numbered 142, 52, 154, 54, 113, 106, 137, 100, 203, 169, 187, 57, 61, 133, 119, 97, 134, 81, 36, 138, 8, 194, 12, and 124—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

(Counsel for contestee here renewed his objections to the proposed objection of counsel for contestant, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

Mr. TEVLIN. There are 4 ballots upon which Costley is voted for; 13 ballots upon which there is no vote for Representative in Congress; 1 ballot, No. 16, upon which both Kahn and Livernash are voted for, and 2 ballots, Nos. 59 and 180, upon which Costley and Livernash are voted for.

There are 56 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 29 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

- No. 129, two crosses opposite Pardee, Republican Ticket.
  - No. 132, two crosses opposite Angelotti, Republican ticket.
  - No. 103, two crosses opposite Colgan, Williams, and Hart, Republican ticket.
  - No. 185, two crosses opposite Webster, Republican ticket.
  - No. 83, two crosses opposite Kahn, Republican ticket; indentifying mark after Lane, Democratic ticket.
  - No. 165, an erasure after Anderson, Republican ticket.
  - No. 96, a cross opposite the titles of offices judges of the superior court and justice of the peace, Republican ticket.
  - No. 143, two crosses opposite Koch, Republican ticket.
  - No. 140, cross not in voting square opposite Williams, Republican ticket.
  - No. 115, two crosses opposite Hart, Republican ticket.
  - No. 184, two crosses opposite Woods and Kirk, Republican ticket.
  - No. 76, two crosses opposite Sullivan, Democratic ticket.
  - No. 22, two crosses opposite Koch, Daniels, and Pardee, Republican ticket.
  - No. 51, two crosses opposite Reeves, Republican ticket.
  - No. 32, two crosses opposite Woods, Republican ticket.
  - No. 27, two crosses opposite Pardee and Anderson, Republican ticket.
  - No. 13, identifying mark opposite Kahn, Republican ticket.
  - No. 6, crosses opposite titles of offices judges of the superior court and justices of the peace.
  - No. 55, two crosses opposite Webb, Republican ticket.
  - No. 182, two crosses opposite amendment No. 8.
  - No. 48, two crosses opposite Kahn, Republican ticket.
  - No. 126, a cross not in a voting square, amendment No. 3.
  - No. 53, two crosses opposite Woods, Republican ticket.
  - No. 80, two crosses opposite Jordan, Van Nostrand, and Williams, Republican ticket.
  - No. 165, two crosses opposite Webb, Republican ticket.
  - No. 152, two crosses opposite Long, Republican ticket.
  - No. 171, two crosses opposite Long and Hart, Republican ticket.
  - No. 28, two crosses opposite Pardee, Republican ticket.
  - No. 38, two crosses opposite Pardee, Republican ticket.
- Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestant to the preceding 29 ballots and claims that they should be counted for contestant.

## SEVENTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventh precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 58 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 58 ballots offered by contestee 49 are unobjectionable ballots; but to the following 9 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 9 ballots to which contestant objects are numbered 169, 72, 68, 41, 36, 32, 92, 113, and 122, and the objections are as follows:

No. 169, the voter has not indicated his choice with the voting stamp.

No. 72, a cross after the title of office judges of the superior court, Democratic ticket.

No. 68, two crosses in the voting square opposite the name Sullivan, Democratic ticket.

No. 41, two crosses opposite Koch, Republican ticket.

No. 36, a cross in the wrong square opposite amendment No. 8.

No. 32, two crosses in a voting square after amendment No. 8.

No. 92, two crosses in the voting square after the name Reynolds, Union Labor ticket.

No. 113, blot at the head of the constitutional amendments column.

No. 122, crosses in the wrong square after amendment No. 1.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 9 ballots should be counted as votes for Mr. Livernash.

There are 9 ballots on which Costley is voted for; 7 ballots on which there is no vote for Representative in Congress; and 1 ballot, No. 32, on which both Costley and Livernash are voted for.

There are 73 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 23 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 142, two crosses opposite Hebbard, Republican ticket.

No. 164, two crosses opposite Brown, Republican ticket.

No. 146, identifying mark in purple ink over the name Carroll Cook, Republican ticket.

No. 175, identifying mark in purple ink opposite amendment No. 9.

No. 136, identifying mark opposite Hart, Republican ticket.

No. 83, two crosses opposite Jenks, Democratic ticket.

No. 84, the voter has not indicated his choice with the voting stamp.

No. 79, two crosses opposite Hunt; a cross upon the line dividing the voting squares opposite Hunt and Cook, Republican ticket.

No. 23, there is an erasure in the upper voting square of amendment No. 5.

No. 139, two crosses opposite Rosborough, Democratic ticket.

No. 113, two crosses opposite amendment No. 8; two crosses opposite Van Nostrand, Republican ticket.

No. 98, two crosses opposite Reeves, Republican ticket.

No. 95, the word "Yes" in lead pencil opposite amendment No. 3.

No. 85, two crosses opposite Hart, and a cross on the line dividing the voting squares opposite Daniels and Van Nostrand, Republican ticket.

No. 81, an identifying mark in the upper voting square of amendment No. 1.

No. 58, two crosses opposite Pardee, Republican ticket.

No. 48, a cross in the blank portion of Union Labor column.

No. 40, identifying mark opposite Pardee, Republican ticket.

No. 10, two crosses opposite McClellan and Hebbard, Republican ticket.

No. 1, two crosses opposite Beatty, Republican ticket.

No. 2, two crosses opposite amendment No. 8.

No. 44, crosses not in voting squares opposite the constitutional amendments.



No. 17, two crosses in the upper voting square opposite amendment No. 2 and lower voting square opposite amendment No. 3.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 23 ballots, and claims that they should be counted for contestant.

#### EIGHTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 82 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 82 ballots offered by contestee 68 are unobjectionable ballots; but to the following 14 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 14 ballots to which contestant objects are numbered 149, 99, 60, 38, 184, 8, 104, 138, 121, 21, 2, 9, 31, and 81, and the objections are as follows:

No. 149, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 99, there is a cross after the title judges of the superior court, Union Labor ticket.

No. 60, the voter has indicated his choice without the use of the voting stamp.

No. 38, there is a cross after the title judges of the superior court, Democratic ticket.

No. 184, the name Langdon is voted for in both the Democratic and Union Labor columns; two crosses in the voting square after the name Lindsay, Democratic ticket.

No. 8, two crosses in the voting square after the names Langdon and Fritz, Democratic ticket.

No. 4, pencil erasure after the name Woodman, Democratic ticket.

No. 138, crosses after titles of office in the Union Labor column.

No. 121, two crosses after the name Mueller, Union Labor ticket.

No. 21, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 2, two crosses in the voting square after the name Kugler, Democratic ticket.

No. 9, two crosses in the voting square after the name Woodman, Democratic ticket.

No. 31, the ballot is voted with lead pencil.

No. 81, this ballot is voted with lead pencil.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 14 ballots should be counted as votes for Mr. Livernash.

There are 6 ballots upon which Costley is voted for; 1 ballot upon which Rowell is voted for; 8 ballots upon which there is no vote for Representative in Congress, and 1 ballot, No. 111, on which both Costley and Livernash are voted for.

There are 52 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 37 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 70, two crosses opposite Andrew, Republican ticket.

No. 113, two crosses opposite Curry, Hebbard, Van Nostrand, and Williams, Republican ticket.

No. 91, two crosses opposite Beatty, Republican ticket.

No. 112, two crosses opposite Curry, Republican ticket.

No. 64, identifying mark in the voting square after Dunn, Republican ticket,

No. 83, two crosses opposite Williams, Republican ticket.

No. 147, two crosses opposite Pardee and Colgan, Republican ticket.

No. 133, two crosses opposite Curry and Williams, Republican ticket.

No. 90, two crosses opposite Curry, Republican ticket.

No. 96, erasure opposite Fritz, Democratic ticket; identifying mark opposite Hebbard, Republican ticket.

No. 139, two crosses opposite Hart, Republican ticket.

No. 116, two crosses opposite Van Nostrand, Republican ticket.

No. 105, the name Henry T. Gage with a cross stamped after the same, in column for Independent nominations.

No. 76, two crosses, amendment No. 1.

No. 177, two crosses opposite Webb, Republican ticket.

No. 40, two crosses opposite Brown, Andrew, and Cook, Republican ticket.

No. 187, two crosses opposite Anderson, Shannon, and McClellan, Republican ticket.

No. 1, two crosses opposite Hebbard, Republican ticket.

No. 26, two crosses, amendment No. 2.

No. 137, two crosses opposite McClellan, Republican ticket.

No. 179, two crosses opposite Rosborough, Democratic ticket.

No. 148, two crosses opposite Kahn; crosses opposite the titles judges of the superior court and justices of the peace, Republican ticket.

No. 163, two crosses opposite Shannon, Cook, and Daniels, Republican ticket.

No. 182, two crosses opposite Woods, Republican ticket.

No. 140, two crosses opposite Woods, Republican ticket.

No. 166, erasure in upper voting square of amendment No. 9.

No. 128, two crosses opposite Curry, Republican ticket.

No. 89, attempted erasure opposite Hebbard, Republican ticket.

No. 145, two crosses opposite amendment No. 1.

No. 126, two crosses opposite Long, Van Nostrand, Kahn, and Kirk, Republican ticket.

No. 100, two crosses opposite Jordan, Republican ticket.

No. 12, two crosses opposite amendment No. 2.

No. 34, two crosses opposite Woods, Republican ticket.

No. 44, two crosses opposite Colgan, Republican ticket.

No. 19, two crosses opposite Van Nostrand, Republican ticket.

No. 24, two crosses opposite Andrew, Kahn, Republican ticket, and Carroll, Democratic ticket.

No. 5, two crosses opposite Reeves and Webb, Republican ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 37 ballots, and claims that they should be counted for contestant.

Here an adjournment was taken until Monday, April 6, 1903, at 9 o'clock a. m.

APRIL 6, 1903—9 o'clock a. m.

The inspection of the ballots was resumed.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the ninth, tenth, eleventh, twelfth, and thirteenth precincts of the Forty-fourth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### NINTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the ninth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 80 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 80 ballots offered by contestee 60 are unobjectionable ballots; but to the following 20 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 20 ballots to which contestant objects are numbered 84, 136, 55, 42, 141, 72, 78, 16, 184, 39, 110, 3, 155, 125, 87, 47, 75, 96, 8, and 104, and the objections are as follows:

Nos. 84 and 136, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 55, the name Lawson is voted for in both the Democratic and Union Labor columns.

No. 42, pencil erasure after the name Braunhart, Democratic ticket, and after amendment No. 3.

No. 141, erasure after the name Lindsay, Democratic ticket.

No. 72, two crosses in the voting square after the name Lane, Democratic ticket.

No. 78, two crosses in the voting square after the name Gett, Democratic ticket.

No. 16, two crosses in the voting square after the name Dunne, Democratic ticket.

No. 184, cross after the title "Judges of the superior court," Union Labor ticket.

No. 39, cross in the wrong squares after amendments Nos. 1 to 6, inclusive.

No. 110, erasure after the name Livernash, Democratic ticket.

No. 3, two crosses in the voting square after the name Langdon, Democratic ticket.

No. 155, two crosses in the voting square after the name Dockweiler, Democratic ticket.

No. 125, cross in front of the name Livernash and not within a voting square, Democratic ticket.

No. 87, a cross after the name Livernash and not within a voting square, Union Labor ticket.

No. 47, two crosses in the voting square after the name Dunne, Democratic ticket.

No. 75, a cross in the wrong square after amendment No. 8; two crosses in the voting square after the name Jenks, Democratic ticket. The name Livernash is voted for in both the Democratic and Union Labor columns.

No. 96, two crosses in the voting square after amendment No. 6 and an erasure after amendment No. 9.

No. 8, crosses in the wrong squares after amendments Nos. 1 to 9, inclusive, and an erasure after the name Webster, Republican ticket.

No. 104, pencil erasure after the name Barduhn, Socialist ticket.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 20 ballots should be counted as votes for Mr. Livernash.

There are 4 ballots upon which Costley is voted for; 7 ballots upon which there is no vote for Representative in Congress; 1 ballot, No. 1, upon which both Costley and Livernash are voted for; 1 ballot, No. 97, upon which both Rowell and Kahn are voted for, and 1 ballot, No. 48, upon which both Kahn and Livernash are voted for.

There are 71 ballots upon which Mr. Kahn is voted for to which contestee makes no objection. There are 21 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 135, erasure in the lower voting square of amendment No. 6.

No. 124, two crosses opposite Pardee and Woods, Republican ticket.

No. 23, two crosses opposite Pardee, Republican ticket.

No. 185, two crosses opposite Curry, Webster, and Long, Republican ticket, and amendments Nos. 1 and 3.

No. 33, two crosses opposite amendment No. 9.

No. 149, two crosses, Pardee, Republican ticket.

No. 39, the voter has indicated his choice in lead pencil.

No. 169, two crosses opposite Reeves and Woods, Republican ticket.

No. 90, two crosses opposite Pardee, Colgan, Webb, and Woods, Republican ticket.

No. 70, two crosses opposite Cook, Republican ticket.

No. 66, a cross on the line dividing the voting squares opposite Colgan and Reeves and a cross in each of said squares; two crosses opposite Angelotti, Republican ticket.

No. 58, two crosses opposite Shaw, Republican ticket; two crosses opposite amendment No. 2.

No. 18, two crosses opposite Kugler, Democratic ticket.

No. 37, two crosses opposite Shannon and Beatty, Republican ticket.

No. 137, two crosses opposite Kahn and Hunt, Republican ticket.

No. 150, the voter has indicated his choice in pencil.



No. 45, there is a cross opposite the title judges of the superior court, Republican ticket.

No. 108, two crosses opposite Kahn, Republican ticket.

No. 102, two crosses opposite Colgan, Reeves, and Jordan, Republican ticket.

No. 148, two crosses opposite Reeves and Beatty, Republican ticket; crosses opposite titles judges of the superior court and justices of the peace.

No. 9, two crosses opposite Pardee and Kahn, Republican ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 21 ballots, and claims that they should be counted for contestant.

#### TENTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the tenth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 62 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 62 ballots offered by contestee 56 are unobjectionable ballots; but to the following 6 ballots contestant objects upon the grounds that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 6 ballots to which contestant objects are numbered 34, 92, 103, 108, 89, and 1, and the objections are as follows:

Nos. 34 and 92, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 103, two crosses in the voting square after the name Dockweiler, Democratic ticket.

No. 108, two crosses in the voting square after the name Dockweiler, Democratic ticket.

No. 89, two crosses in the voting square after amendment No. 6.

No. 1, a cross after the title judges of the superior court, Union Labor ticket.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 6 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot upon which Rowell is voted for, there are 7 ballots upon which Costley is voted for, 11 ballots upon which there is no vote for Representative in Congress, and 1 ballot, No. 43, on which both Kahn and Livernash are voted for.

There are 73 ballots upon which Mr. Kahn is voted for to which contestee makes no objection. There are 22 ballots to which contestee objects upon the ground that they are illegal and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 134, two crosses opposite Anderson and Daniels, Republican ticket.

No. 144, two crosses opposite Kirk, Shannon, Andrew, and Koch, Republican ticket.

No. 104, two crosses opposite Beatty, Republican ticket; identifying mark in lower voting square of amendment No. 6; attempted erasure in said square.

No. 79, two crosses opposite Pardee, Republican ticket.

No. 67, two crosses opposite Cook, Republican ticket.

No. 125, writing in pencil in column for Independent nominations.

No. 133, identifying mark in the voting square opposite Rosborough; attempted erasure in said square; two crosses opposite Langdon, Democratic ticket.

No. 175, two crosses opposite Curry and Daniels, Republican ticket.

No. 123, two crosses opposite amendment No. 5.

No. 129, two crosses opposite Pardee, Republican ticket; cross on line dividing squares opposite Colgan and Reeves, and a cross in each of said squares, Republican ticket.

No. 16, two crosses opposite Beatty, Republican ticket.

No. 23, two crosses opposite Webster, Republican ticket.

No. 4, two crosses opposite amendments Nos. 1 and 6.

No. 20, two crosses opposite Kahn and Williams, Republican ticket.

No. 18, two crosses opposite Colgan and Beatty, Republican ticket.

No. 17, two crosses opposite Hunt, Republican ticket.

No. 145, two crosses opposite Hart, Republican ticket.

No. 2, two crosses opposite Reeves, Republican ticket.

No. 139, two crosses opposite Andrew, Republican ticket.

No. 44, two crosses opposite Webster, Republican ticket.

No. 64, two crosses opposite Pardee, Republican ticket.

No. 52, two crosses opposite Pardee, Republican ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 22 ballots, and claims that they should be counted for contestant.

#### ELEVENTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eleventh precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 80 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 80 ballots offered by contestee 69 are unobjectionable; but to the following 11 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to the ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 11 ballots to which contestant objects are numbered 211, 23, 127, 118, 201, 85, 159, 166, 173, 42, and 180, and the objections are as follows:

No. 211, the name Livernash is voted for in both Democratic and Union Labor columns.

Nos. 23 and 127, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 118, a cross after the titles of office in the Democratic column.

No. 201, erasure after amendment No. 4.

No. 85, pencil erasure after amendment No. 1.

No. 159, two crosses opposite White, Union Labor.

No. 166, erasure after Kugler, Union Labor.

No. 173, erasure after Livernash and a cross after the title "Judges of the superior court," Union Labor.

No. 42, erasure after Cook, Republican.

No. 180, crosses in the wrong squares after amendments Nos. 1 and 2.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 11 ballots should be counted as votes for Mr. Livernash.

There are 3 ballots upon which Costley is voted for and 4 ballots upon which there is no vote for Representative in Congress.

There are 103 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 41 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 24, two crosses in the voting square opposite amendment No. 1.

No. 7, a cross not in a voting square, amendment No. 1.

No. 107, the voter has indicated his choice with lead pencil.

No. 162, two crosses opposite Anderson, Kahn, Hart, and McClellan, Republican.

No. 205, two crosses opposite Van Nostrand, Republican.

No. 101, a cross opposite the title justices of the peace, Republican.

No. 103, a cross in the right-hand margin of the ballot.

No. 193, two crosses opposite Woods, Kirk, Angelotti, and Dunn, Republican.

No. 171, a cross not in a voting square opposite amendment No. 1; a cross opposite the title of office justices of the peace, Republican.

No. 44, the voter has indicated his choice in lead pencil.

No. 174, the voter has indicated his choice in lead pencil.

No. 49, two crosses opposite Jenks, Democratic.

No. 12, two crosses opposite Webb, Republican.

No. 161, two crosses opposite Curry, Republican.

No. 40, two crosses opposite Long, Republican.

No. 3, two crosses opposite Reeves, Republican; two crosses opposite amendment No. 9.

- No. 20, two crosses opposite Curry, Republican.
- No. 177, two crosses opposite Gett, Democratic.
- No. 76, two crosses opposite Curry and Angelotti, Republican.
- No. 97, two crosses opposite Woods, Republican.
- No. 199, two crosses opposite Lane, Democratic.
- No. 111, identifying mark opposite Lawson, Democratic; two crosses opposite amendment No. 3.
- No 149, a cross not in a voting square, amendment No. 6.
- No. 26, two crosses opposite Webb, Republican.
- No. 215, two crosses opposite Koch, Republican.
- No. 55, two crosses opposite Brooks, Democratic.
- No. 168, two crosses opposite Reeves, Angelotti, Kahn, and Hebbard, Republican.
- No. 28, erasure in the lower voting square of amendment No. 6.
- No. 198, two crosses opposite amendment No. 7.
- No. 227, pencil erasure in the lower voting square of amendment No. 7.
- No. 80, two crosses opposite Hebbard, Republican.
- No. 136, two crosses opposite McClellan, Republican.
- No. 133, two crosses opposite Hebbard, Republican.
- No. 100, pencil erasure in the upper voting square of amendment No. 4.
- No. 92, crosses not in voting squares, amendments Nos. 1 and 2.
- No. 114, two crosses opposite Jenks, Democratic.
- No. 124, a cross not in a voting square, amendment No. 8.
- No. 135, a cross not in a voting square, amendment No. 1.
- No. 10, attempted erasure opposite Fritz, Democratic.
- No. 139, two crosses opposite Woods, Republican.
- No. 86, crosses not in voting squares, constitutional amendments.
- Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 41 ballots and claims that they should be counted for contestant.

#### TWELFTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twelfth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 58 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 58 ballots offered by contestee 54 are unobjectionable ballots; but to the following 4 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 4 ballots to which contestant objects are numbered 72, 186, 160, and 38, and the objections are as follows:

Nos. 72, 186, and 160, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 38, two crosses in the voting square after the name Lane, Democratic.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 4 ballots should be counted as votes for Mr. Livernash.

There are 8 ballots upon which Costley is voted for; 1 ballot, No. 39, on which both Costley and Livernash are voted for, and 7 ballots upon which there is no vote for Representative in Congress.

There are 102 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 12 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 127, two crosses opposite Kahn, Republican.

No. 164, two crosses opposite Shannon, Republican.

No. 93, crosses not in voting squares, amendments Nos. 2 and 3.

No. 88, two crosses opposite Hunt, Republican.

No. 46, erasure in the lower voting square of amendment No. 1.

No. 48, cross opposite title of office, judges of the superior court, Republican.



No. 132, erasure opposite Shannon, Republican.

No. 106, two crosses opposite amendment No. 9.

No. 52, pencil erasure in the lower voting square of amendment No. 1.

No. 66, finger marks in the Socialist column.

No. 49, crosses not made with the voting stamp.

No. 22, two crosses opposite Pardee, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding twelve ballots and claims that they should be counted for contestant.

### THIRTEENTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the thirteenth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 84 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 84 ballots offered by contestee 71 are unobjectionable ballots; but to the following 13 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The ballots to which contestant objects are numbered 209, 207, 194, 10, 155, 100, 153, 125, 33, 19, 182, 68, and 150, and the objections are as follows:

Nos. 209, 207, 194, 10, and 155, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 100, this ballot is marked without the use of the voting stamp.

No. 153, erasure after Webb, Republican.

No. 125, a cross in the wrong square after amendment No. 1.

No. 33, a cross after the name O'Donnell, not within a voting square, in the column marked "Independent nominations," and two crosses in the voting square after the name Harkness, Democratic.

No. 19, the name Livernash is voted for in both the Democratic and Union Labor columns; three crosses after the name Lister, Union Labor.

No. 182, crosses after the titles of office in the Democratic column.

No. 68, a cross in the wrong square after amendment No. 5.

No. 150, a cross in the wrong squares after amendments Nos. 1 to 9, inclusive, and the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 13 ballots should be counted as votes for Mr. Livernash.

One ballot upon which Costley is voted for; 1 ballot, No. 80, on which both Costley and Livernash are voted for; 1 ballot, No. 76, on which both Kahn and Livernash are voted for, and 10 ballots upon which there is no vote for Representative in Congress.

There are 97 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 25 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should have been counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 205, two crosses opposite Long, Republican, and a cross under the voting square in the column for Independent nominations.

No. 105, erasure after Saffold, Democratic.

No. 53, identifying mark opposite Williams, Democratic.

No. 111, two crosses opposite Colgan and Jordan, Republican.

No. 113, pencil erasure opposite Hunt, Republican.

No. 118, two crosses opposite Woods, Republican.

No. 184, crosses opposite titles of office, judges of the superior court and justices of the peace, Republican.

No. 199, erasure opposite Shannon, Republican.

No. 14, identifying marks opposite Cook and Dunn, Republican, and Jenks, Democratic.

No. 35, a cross opposite the title of office, judges of the superior court, Republican.

No. 21, two crosses opposite amendment No. 4.

No. 48, identifying mark in the lower voting square of amendment No. 1.

No. 55, two crosses opposite amendment No. 5.

No. 23, identifying mark opposite the name Andrew and an attempted erasure opposite said name, Republican.

No. 53, identifying marks in lead pencil opposite Pardee and Anderson, and an erasure opposite Curry, Republican; and an erasure in the upper voting square of amendment No. 1.

No. 168, identifying mark in purple ink in blank portion of Union Labor column.

No. 169, erasure opposite amendment No. 2.

No. 54, erasure opposite Cook, Republican.

No. 97, erasure opposite Curry, Republican.

No. 49, a cross not in a voting square opposite amendment No. 8.

No. 3, erasure in the lower voting square of amendment No. 1.

No. 74, two crosses opposite Reeves, Republican.

No. 6, crosses not in voting squares opposite the amendments.

No. 178, two crosses opposite Curry, Republican.

No. 174, two crosses opposite amendment No. 5.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 25 ballots and claims that they should be counted for contestant.

Recess until 2 o'clock p. m.

2 O'CLOCK P. M.

The inspection of the ballots was resumed.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth precincts of the Forty-fourth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact. They are duly sealed, and the seals have not been broken.

#### FOURTEENTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourteenth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 61 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 61 ballots offered by contestee 44 are unobjectionable ballots; but to the following 17 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 17 ballots to which contestant objects are numbered 136, 101, 11, 25, 92, 34, 15, 22, 7, 164, 32, 123, 39, 102, 38, 59, 138. and the objections are as follows:

Nos. 136, 101, and 11, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 25, two crosses opposite amendment No. 4.

No. 92, a blot in the Union Labor column.

No. 34, crosses in the right-hand margin of the ballot.

No. 15, two crosses in the voting square opposite the name Rosborough, Democratic.

No. 22, erasure after the name Farnsworth, Democratic.

No. 7, two crosses opposite Lister, Union Labor.

No. 164, erasure opposite McGregor, Union Labor.

No. 32, erasure after Hart, Republican.

No. 123, erasure after amendment No. 1.

No. 39, erasure opposite Saffold, Democratic.

No. 102, pencil marking in the constitutional amendments column.

No. 38, crosses in front of the names Hunt, Cook, and Hebbard, not within the voting squares, Republican.

No. 59, erasure opposite Trask, Democratic.

No. 138, erasure after amendment No. 3, and the name Langdon is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 17 ballots should be counted as votes for Mr. Livernash.

There are 7 ballots upon which Costley is voted for; 8 ballots upon which there is no vote for Representative in Congress.

There are 75 ballots on which Mr. Kahn is voted for, to which contestee makes no objection. There are 15 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 155, identifying mark opposite Hart and an attempted erasure after Hart, Republican.

No. 156, two crosses opposite Shannon and Webster, Republican.

No. 88, two crosses opposite Pardee, Republican.

No. 89, identifying mark in the lower voting square of amendment No. 5; attempted erasure in said square.

No. 121, crosses not in voting squares, constitutional amendments.

No. 127, two crosses opposite Hunt, Republican.

No. 46, two crosses opposite Webb, Republican.

No. 33, crosses opposite titles of office judges of the superior court and justices of the peace, Republican.

No. 26, cross opposite titles of office judges of the superior court and justices of the peace, Republican.

No. 30, two crosses opposite Trask, Democratic; there is a cross upon the line dividing the voting squares opposite Trask and Alford, and a cross in each of said squares, Democratic.

No. 23, two crosses opposite Law, Democratic.

No. 63, two crosses opposite Anderson, Republican.

No. 21, erasures opposite Lane, Dockweiler, and Rosborough, Democratic.

No. 5, two crosses opposite Long, Republican.

No. 2, an erasure after Livernash, Democratic.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 15 ballots, and claims that they should be counted for contestant.

#### FIFTEENTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifteenth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 72 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 72 ballots offered by contestee 64 are unobjectionable ballots, but to the following 8 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 8 ballots to which contestant objects are numbered 29, 161, 73, 11, 137, 64, 53, and 87, and the objections are as follows:

No. 29, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 161, erasure after the name Lawson, Democratic.

No. 73, a cross on the line dividing the voting squares assigned to Lindsay and Woodman, and crosses in said voting squares, Democratic.

No. 11, erasure after the name Andrew, Republican.

No. 137, two crosses opposite Shaw, Republican.

No. 64, erasure after O'Donnell, Independent nominations.

No. 53, marks made without the voting stamp in the wrong squares, constitutional amendments.

No. 87, a cross not in the voting square over the name Lane, Democratic, and two crosses in the voting square after amendment No. 6.



Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 8 ballots should be counted as votes for Mr. Livernash.

There are 2 ballots on which Rowell is voted for; 3 ballots on which Costley is voted for, and 2 ballots on which there is no vote for Representative in Congress.

There are 111 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 13 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 145, identifying mark in the upper voting square of amendment No. 4.

No. 150, crosses not in voting squares, amendments Nos. 1, 3, and 9.

No. 149, two crosses opposite Kirk, Republican.

No. 84, an erasure in front of the name Baggett, Democratic.

No. 194, two crosses opposite amendment No. 9.

No. 94, identifying mark in the lower voting square of amendment No. 8.

No. 117, two crosses opposite Van Nostrand, Republican.

No. 1, two crosses opposite amendment No. 8.

No. 107, identifying marks in the upper voting squares of amendments Nos. 1 and 2.

No. 3, a cross not in a voting square, amendment No. 1.

No. 30, the voter has marked his ballot in lead pencil.

No. 123, two crosses opposite Hebbard, Republican.

No. 166, two crosses opposite Jenks, Democratic.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 13 ballots, and claims that they should be counted for contestant.

#### SIXTEENTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixteenth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 44 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 44 ballots offered by contestee 38 are unobjectionable, but to the following 6 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 6 ballots to which contestant objects are numbered 138, 154, 106, 79, 45, and 19, and the objections are as follows:

No. 138, the name Livernash is voted for in both the Democratic and Union Labor columns, and there are two crosses opposite Kugler, Union Labor.

No. 154, erasure after the names Kahn and Webster, Republican.

No. 106, erasure after the name Saffold, Democratic.

No. 79, erasure after amendment No. 1.

No. 45, two crosses opposite Gett, Democratic.

No. 19, the name Livernash is voted for in both the Democratic and Union Labor columns, and two crosses in the voting square opposite Livernash, Democratic.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 6 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot upon which Costley has been voted for; 1 ballot upon which Rowell has been voted for, and 2 ballots upon which there is no vote for Representative in Congress.

There are 108 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 16 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 144, two crosses opposite amendment No. 2.

No. 68, a cross not in a voting square, amendment No. 8.

No. 151, identifying mark opposite Pardee, Republican.

No. 172, two crosses opposite Hunt and Reeves, Republican.

No. 157, two crosses opposite Webster, Republican.

No. 103, two crosses opposite McClellan, Republican.

No. 99, two crosses opposite Andrew and Cook, Republican.

No. 67, identifying mark opposite Fritz, Democratic.

No. 20, two crosses opposite Williams, Republican.

No. 155, two crosses opposite Colgan, Republican.

No. 109, two crosses opposite Pardee, Republican.

No. 25, identifying mark, amendment No. 9.

No. 132, two crosses opposite Pardee, Republican.

No. 73, cross not in a voting square, amendment No. 1.

No. 114, two crosses opposite Andrew, Republican.

No. 143, the ballot is marked in lead pencil. It is indorsed, "This ballot is rejected on account of being marked in lead pencil instead of rubber stamp, as provided by law," and the indorsement is subscribed by the election officers.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 16 ballots, and claims that they should be counted for contestant.

#### SEVENTEENTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventeenth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 56 ballots upon which Mr. Livernash has been voted for. Mr. DIBBLE. Contestant admits that of the 56 ballots offered by contestee 50 are unobjectionable ballots; but to the following 6 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballot upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 6 ballots to which contestant objects are numbered 114, 53, 16, 111, 10, and 61, and the objections are as follows:

No. 114, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 53, pencil crosses in the voting squares.

No. 16, two crosses opposite Pardee, Republican.

No. 111, two crosses opposite amendment No. 1.

No. 10, erasure after Kahn, Republican.

No. 61, attempted erasure after Rosborough, Democratic.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 6 ballots should be counted as votes for Mr. Livernash.

There are 2 ballots upon which Costley is voted for, 1 ballot on which Rowell is voted for, and 2 ballots upon which there is no vote for Representative in Congress.

There are 72 ballots upon which Mr. Kahn is voted for to which contestee makes no objection.

There are 29 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 88, two crosses opposite Alford, Democratic.

No. 26, identifying marks in purple ink in the Democratic column.

No. 103, two crosses in the upper voting square of amendment No. 9.

No. 94, a cross not in a voting square, amendment No. 8.

No. 99, two crosses opposite amendment No. 5.

No. 115, identifying mark in black ink in the Republican column.

No. 118, two crosses opposite Van Nostrand and Williams, Republican ticket.

No. 33, a cross not in a voting square, amendment No. 8.

No. 92, erasure in the lower voting square of amendment No. 1; two crosses opposite Alford, Democratic.

No. 132, two crosses opposite Kirk, Republican.

No. 135, two crosses opposite Anderson, Republican.

No. 141, a cross opposite the heading "Republican ticket."

No. 155, identifying mark opposite Kahn, Republican.  
 No. 158, two crosses opposite Curry and Hart, Republican.  
 No. 161, two crosses opposite amendment No. 8.  
 No. 23, two crosses opposite Reeves, Hebbard, and Hart, Republican.  
 No. 51, two crosses opposite Pardee, Republican.  
 No. 48, numerous crosses, amendment No. 5.  
 No. 29, two crosses opposite amendment No. 4.  
 No. 30, two crosses; identifying mark in purple ink in the Democratic column.  
 No. 5, crosses not in voting squares, amendments Nos. 1, 3, 6, and 7.  
 No. 78, two crosses opposite amendment No. 9.  
 No. 8, an erasure opposite Burton and two crosses opposite Heenan, Union Labor.  
 No. 19, cross in the right-hand margin of ballot.  
 No. 1, two crosses opposite Jenks, Democratic.  
 No. 14, a cross on the line dividing the voting squares opposite Koch and Daniels;  
 two crosses in the voting square opposite Koch, Republican.  
 No. 15, the name "Carroll Cook" written in blank column.  
 No. 44, two crosses opposite Cook, Republican.  
 No. 68, the ballot is marked in lead pencil. This ballot is indorsed "Rejected on account of pencil marks," and the indorsement is subscribed by the election officers.  
 Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 29 ballots and claims that they should be counted for contestant.

#### EIGHTEENTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighteenth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 49 ballots upon which Mr. Livernash is voted for.

Mr. DIBBLE. Contestant admits that of the 49 ballots offered by contestee 38 are unobjectionable ballots; but to the following 11 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 11 ballots to which contestant objects are numbered 66, 63, 136, 3, 32, 61, 130, 134, 59, 7, and 62, and the objections are as follows:

No. 63, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 66, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 136, pencil erasure after amendment No. 3.

No. 3, two crosses in the voting square opposite the name Lindsay, Democratic.

No. 32, blot in the constitutional-amendments column.

No. 61, crosses in the wrong squares after amendments Nos. 8 and 9.

No. 130, attempted erasure after amendment No. 6.

No. 134, erasure after the name Hebbard, Republican.

No. 59, erasure after amendment No. 7.

No. 7, the ballot is voted with pen and ink, and is indorsed "Rejected by the inspector for not using the rubber stamp," and signed with the initials of the inspector.

No. 62. This ballot is voted in lead pencil and is indorsed "Rejected by the inspector for not using rubber stamp," and is initialed with the signature of the inspector.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 11 ballots should be counted as votes for Mr. Livernash.

There are 5 ballots upon which is no vote for Representative in Congress.

There are 69 ballots upon which Mr. Kahn is voted for to which contestee makes no objection.

There are 29 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:



No. 102, two crosses opposite Colgan, Republican.  
 No. 142, two crosses opposite Colgan, Republican.  
 No. 48, erasure after the name Lindsay, Democratic.  
 No. 80, two crosses opposite Andrew and Kahn, Republican.  
 No. 83, two crosses opposite Pardee, Republican.  
 No. 71, two crosses opposite Hebbard, Republican.  
 No. 12, a cross opposite the title of office, judges of the superior court.  
 No. 14, an identifying mark opposite Reeves, Republican.  
 No. 128, a cross not in a voting square, amendment No. 1.  
 No. 4, two crosses opposite Van Nostrand and Hart, Republican.  
 No. 111, two crosses opposite Long, Republican.  
 No. 18, two crosses in upper margin of ballot, over "Democratic ticket."  
 No. 73, two crosses opposite Webb, Republican.  
 No. 42, two crosses opposite Anderson and Curry, Republican, and opposite Lane, Democratic.

No. 143, two crosses opposite amendment No. 2.  
 No. 123, two crosses opposite Dunn, Republican.  
 No. 120, two crosses opposite Reeves, Republican.  
 No. 78, crosses not in voting squares after the constitutional amendments.  
 No. 84, identifying mark in purple ink, upper left-hand corner of ballot.  
 No. 72, two crosses opposite Lane and Langdon, Democratic.  
 No. 104, erasure opposite Law, Democratic.  
 No. 75, two crosses opposite amendment No. 7.  
 No. 117, two crosses opposite Koch, Daniels, and Van Nostrand, Republican.  
 No. 118, erasure in lead pencil, upper voting square of amendment No. 8.  
 No. 88, two crosses opposite Webb, Republican.  
 No. 92, two crosses opposite Andrew, Republican.  
 No. 108, two crosses opposite Cook and Koch, Republican.  
 No. 1, two crosses opposite Lane, Democratic.  
 No. 14, two crosses opposite Kahn and Webster, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 29 ballots and claims that they should be counted for contestant.

#### NINETEENTH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the nineteenth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 60 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 60 ballots offered by contestee 51 are unobjectionable ballots; but to the following 9 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 9 ballots to which contestant objects are numbered 77, 43, 155, 13, 8, 4, 123, 162, and 163, and the objections are as follows:

Nos. 77 and 43, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 155, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 13, a cross in the right-hand margin of ballot.

No. 8, an erasure after the name Jordan, Republican.

No. 4, two crosses opposite Reynolds, Union Labor.

No. 123, blots in the Democratic column.

No. 162, pencil mark opposite Pardee, Republican.

No. 163, this ballot is voted in lead pencil, and is indorsed "Rejected on account of pencil marks," and is signed by the election board.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 9 ballots should be counted as votes for Mr. Livernash.

There are 3 ballots upon which Costley is voted for, and 2 ballots upon which there is no vote for Representative in Congress.

There are 89 ballots upon which Mr. Kahn is voted for to which contestee makes no objection.

There are 21 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

- No. 79, two crosses opposite Pardee, Republican.
  - No. 5, crosses not in voting squares opposite amendments.
  - No. 46, two crosses opposite Webster, Republican.
  - No. 115, two crosses opposite Dockweiler, Democratic.
  - No. 93, two crosses opposite Kirk, Republican, and two crosses opposite amendment No. 9.
  - No. 15, identifying mark in voting square opposite Pardee, Republican.
  - No. 130, identifying mark in the voting square opposite Dunn, Republican; also opposite amendment No. 8.
  - No. 90, two crosses opposite Pardee, Republican.
  - No. 109, two crosses opposite Cogan, Republican.
  - No. 96, two crosses opposite Cogan, Republican.
  - No. 23, two crosses opposite Pardee, Republican.
  - No. 117, two crosses opposite Dockweiler, Democratic.
  - No. 87, two crosses opposite Lane, Democratic.
  - No. 83, two crosses opposite amendment No. 1; two crosses opposite Pardee and Koch, Republican.
  - No. 22, two crosses opposite Pardee and Koch, Republican; a cross not in a voting square, amendment No. 1.
  - No. 78, two crosses opposite Williams, Republican.
  - No. 164, two crosses opposite Pardee, Webster, and Daniels, Republican.
  - No. 159, crosses not in voting squares, amendments Nos. 8 and 9.
  - No. 172, two crosses opposite Reeves, Republican.
  - No. 147, two crosses opposite Hunt, Republican.
  - No. 146, two crosses opposite Cook, Republican.
- Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 21 ballots, and claims that they should be counted for contestant.

## TWENTIETH PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twentieth precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 61 ballots upon which Mr. Livernash is voted for. In addition to these, there is 1 ballot—No. 81—in which there is a mark in the voting square opposite the name Edward J. Livernash.

Mr. DIBBLE. Contestant objects to the counting of ballot No. 81 for contestee.

Contestant admits that of the 61 ballots offered by contestee 51 are unobjectionable ballots; but to the following 10 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made with the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.)

The 10 ballots to which contestant objects are numbered 144, 155, 78, 101, 3, 62, 1, 23, 55, and 9, and the objections are as follows:

No. 144, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 155, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 78, erasure opposite the name Anderson, Socialist.

No. 101, two crosses opposite Daniels, Republican.

No. 3, two crosses opposite Woodman, Democratic.

No. 62, two crosses opposite Harkness, Democratic.

No. 1, erasure after amendment No. 8.

No. 23, a cross after the title "Judges of the superior court," Democratic.

No. 55, two crosses opposite Heenan, Union Labor.

No. 9, two crosses opposite Holcomb, Democratic.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 10 ballots should be counted as votes for Mr. Livernash.

There are 3 ballots upon which Costley is voted for, 1 ballot upon which Rowell is voted for, and 1 ballot upon which there is no vote for Representative in Congress.

Mr. DIBBLE. Contestant claims that this offer should be 2. Ballot No. 81, heretofore offered by contestee, is a ballot upon which there is no vote recorded for Representative in Congress for the Fourth Congressional district.

Mr. TEVLIN. There are 74 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 22 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 100, two crosses opposite Shannon, Republican.

No. 109, two crosses opposite Hart, Republican.

No. 70, identifying mark opposite Dockweiler, Democratic, and opposite and over Anderson, Republican.

No. 141, two crosses opposite amendment No. 1.

No. 93, two crosses opposite Burton, Union Labor.

No. 156, two crosses opposite Lane, Democratic.

No. 135, two crosses opposite the titles judges of the superior court and justices of the peace.

No. 137, two crosses opposite Van Nostrand, Republican.

No. 74, two crosses opposite Richards, Democratic.

No. 106, two crosses opposite Webster, Republican.

No. 152, two crosses opposite amendment No. 3.

No. 153, two crosses opposite Pardee, Republican.

No. 158, two crosses opposite Long, Republican.

No. 162, two crosses opposite Lane, Democratic.

No. 126, two crosses opposite Jordan and two crosses opposite Pardee, Republican.

No. 8, two crosses opposite Lane and Kugler, Democratic, and Webster, Republican.

No. 11, two crosses opposite Gett, Democratic.

No. 21, two crosses opposite Webb and Cook, Republican.

No. 31, two crosses opposite amendment No. 2.

No. 43, two crosses opposite Hebbard, Republican.

No. 52, two crosses opposite Pardee, Republican.

No. 98, the voter has marked his ballot in lead pencil.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 22 ballots, and claims that they should be counted for contestant.

Here an adjournment was taken until April 7, 1903, at 9 o'clock a. m.

APRIL 7, 1903—9 o'clock a. m.

The inspection of the ballots was resumed.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the first, second, third, fourth, fifth, sixth, seventh, and eighth precincts of the Forty-fifth assembly district and in the twenty-first precinct of the Forty-fourth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact, they are duly sealed, and the seals have not been broken.

#### TWENTY-FIRST PRECINCT, FORTY-FOURTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twenty-first precinct of the Forty-fourth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 32 ballots upon which Mr. Livernash has been voted for.

There is 1 ballot, No. 83, upon which the voter has made a cross in lead pencil in the voting square opposite the name Edward J. Livernash. This ballot is indorsed "Rejected owing to pencil marking," and the indorsement is subscribed by the election officers.

Mr. DIBBLE. Contestant objects to the counting of ballot No. 83, mentioned by



contestee, for Mr. Livernash; and of the 32 ballot offered by contestee contestant admits that 26 are unobjectionable ballots; but to the following 6 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the first precinct of the Forty-fourth assembly district.

The 6 ballots to which contestant objects—besides ballot No. 83, which is marked in pencil for Livernash and rejected by the election board—are numbered 54, 79, 43, 30, 11, and 12, and the objections are as follows:

No. 54, two crosses in the voting square after the name Rosborough, Democratic.

No. 79, two crosses after Brooks, Democratic.

No. 43, crosses after the titles of office in the Union Labor column.

No. 30, erasure after the name Costley, Socialist.

No. 11, two crosses opposite Daniels, Republican.

No. 12, an erasure after the name Andrew, Republican, and crosses in the wrong squares after amendments Nos. 1 to 9, inclusive.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 6 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot, No. 35, on which both Costley and Livernash are voted for and 1 ballot on which Costley is voted for.

There are 52 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 16 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 98, two crosses opposite Webb, Republican.

No. 62, two crosses opposite Hunt, Republican.

No. 84, crosses not in voting squares, amendments Nos. 1 and 8.

No. 92, two crosses opposite Curry, Republican.

No. 55, two crosses opposite Daniels, Republican.

No. 95, two crosses opposite Webb, Republican.

No. 78, crosses not in voting squares, constitutional amendments.

No. 87, crosses not in voting squares, constitutional amendments.

No. 96, two crosses opposite Koch; cross on line dividing the voting square opposite Long and the title justices of the peace; cross opposite the title justices of the peace, Republican ticket; two crosses opposite Farnsworth, Democratic ticket.

No. 17, two crosses opposite Pardee and Shannon, Republican.

No. 21, two crosses opposite Dunne, Democratic.

No. 24, two crosses opposite Kahn, Republican.

No. 1, two crosses opposite amendment No. 5.

No. 4, two crosses opposite Hebbard, Republican.

No. 9, two crosses opposite Shannon and Hebbard, Republican, and opposite amendment No. 1.

No. 10, two crosses opposite Cook, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 16 ballots and claims that they should be counted for contestant.

#### FIRST PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the first precinct of the Forty-fifth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 138 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 138 ballots offered by contestee 118 are unobjectionable ballots. This offer, however, includes 20 ballots—numbered 164, 60, 119, 35, 131, 195, 22, 40, 160, 193, 68, 21, 30, 140, 209, 174, 189, 38, 173, and 111—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There is 1 ballot upon which Costley is voted for; and there are 9 ballots upon which there is no vote for Representative in Congress.

There are 55 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 18 ballots to which contestee makes the objection that they are

invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

- No. 110, an ink mark opposite Pardee, Republican.
- No. 112, erasure opposite Gallagher, Union Labor.
- No. 52, two crosses opposite Brooks and Gett, Democratic.
- No. 68, two crosses opposite Jordan, Republican.
- No. 16, a cross after the title of office judges of the superior court.
- No. 191, a cross in the right-hand margin of ballot.
- No. 200, erasure opposite Dunn, Republican.
- No. 133, two crosses opposite Boisson, Republican.
- No. 188, a cross opposite the title judges of the superior court, Republican.
- No. 10, a cross opposite the title judges of the superior court, Republican.
- No. 167, a cross after the titles judges of the superior court and justices of the peace, Republican.
- No. 194, two crosses opposite Van Nostrand, Republican; identifying marks in purple ink in Democratic column.
- No. 50, crosses to the left of names Pardee and Anderson, Republican.
- No. 24, an identifying mark opposite Daniels, Republican.
- No. 89, an attempted erasure in the lower voting square of amendment No. 1.
- No. 47, two crosses opposite Hunt, Republican.
- No. 18, two crosses opposite Boisson, Republican.
- No. 37, an ink blot opposite amendment No. 3.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 18 ballots, and claims that they should be counted for contestant.

## SECOND PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the second precinct of the Forty-fifth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 123 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 123 ballots offered by contestee 99 are unobjectionable ballots. This offer, however, includes 24 ballots numbered 165, 66, 101, 44, 5, 114, 132, 4, 122, 123, 38, 155, 92, 96, 115, 126, 139, 131, 174, 166, 127, 97, 187, and 98—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There is one ballot on which Costley is voted for; 1 ballot, No. 162, on which Kahn and Livernash are voted for, and 7 ballots on which there is no vote for Representative in Congress.

There are 42 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 13 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

- No. 51, two crosses opposite Carroll, Democrat.
- No. 77, two crosses, amendment No. 2.
- No. 144, two crosses opposite Jordan, Republican.
- No. 149, two crosses opposite Van Nostrand, Republican.
- No. 134, erasure opposite the names Brown and Andrew, Republican.
- No. 31, identifying mark opposite the name Fritz, Democratic.
- No. 74, erasures in lower voting squares of amendments Nos. 1 and 2.
- No. 142, identifying mark in purple ink in the Democratic column.
- No. 183, identifying mark in purple ink in the Union Labor column.
- No. 94, a cross on the line dividing the voting squares between Dunn and Koch, Republican.

No. 46, two crosses opposite Long, Republican.

No. 93, crosses not in voting squares opposite amendments Nos. 5, 8, and 9.

No. 178, erasure opposite the name Livernash and opposite the titles of offices, Democratic ticket.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 13 ballots, and claims that they should be counted for contestant.

## THIRD PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the third precinct of the Forty-fifth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TELVIN. There are 57 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 57 ballots offered by contestee 49 are unobjectionable ballots; but to the following 8 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

Mr. TELVIN. Contestee objects to counsel for contestant noting any objections to ballots cast in this precinct, or in any precinct of the Forty-fifth assembly district, on which there is a cross made by the voting stamp in the square opposite the name of Mr. Livernash, on the grounds:

First. That all such ballots which might be objected to, or to which counsel for contestant may assert any objection or objections to their being counted as votes for contestee should have been produced by contestant as evidence in support of the allegations contained in his notice of contest and within the time limited by law for the production of such evidence, and should have been then objected to.

Second. That the time within which contestant could and should offer evidence as to invalid votes cast for contestee has expired.

Mr. DIBBLE. The 8 ballots to which contestant objects are numbered 96, 120, 62, 37, 152, 50, 51, and 10, and the objections are as follows:

Nos. 96 and 120, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 62, a cross in the lower right-hand corner of ballot.

No. 37, attempted erasure after the name Lawson, Union Labor; and the name Lawson voted for in both the Democratic and Union Labor columns.

No. 152, a cross after the title judges of the superior court, Democratic.

No. 50, erasure after the name Woodman, Democratic.

No. 51, erasure after the name Guilfoyle, Union Labor.

No. 10, a cross in front of the name Lane and not within a voting square, Democratic.

Mr. TELVIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 8 ballots should be counted as votes for Mr. Livernash.

There are 2 ballots Nos. 104 and 3, on which both Kahn and Livernash are voted for, 4 ballots on which Costley is voted for, and 10 ballots on which there is no vote for Representative in Congress.

There are 46 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 18 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 130, crosses opposite titles of offices judges of the superior court and justices of the peace, Republican.

No. 40 (so marked for identification), two crosses opposite amendment No. 7.

No. 37, crosses not in voting squares, amendments Nos. 1 to 6; two crosses opposite Van Nostrand, Republican.

No. 24, two crosses opposite Boisson, Republican.

No. 13, crosses after titles of offices judges of the superior court and justices of the peace, Republican.

No. 2, two crosses opposite to Van Nostrand, Republican.

No. 100, erasure, or attempted erasure, lower voting square of amendment No. 3.

No. 94 (so marked for identification), two crosses opposite Brown, Republican, one of said crosses being apparently erased.

No. 62, two crosses opposite Koch, Republican.

No. 7, a cross not in a voting square, amendment No. 8.

No. 84, identifying mark opposite Cook, Republican.

No. 82, a cross on the line dividing the voting squares opposite Dunn and Koch, and crosses in each of said squares, Republican.

No. 20, two crosses opposite Pardee, Republican.

No. 43 (so marked for identification), two crosses, Woods, Republican.

No. 63, two crosses opposite Daniels, Republican.

No. 47, the number being written in the upper left-hand corner of ballot; two crosses opposite Webb, Republican.



No. 160 (so marked for identification), a cross in the right-hand margin of the ballot.

No. 58, two crosses in voting squares opposite amendments Nos. 3, 6, and 8.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 18 ballots, and claims that they should be counted for contestant.

#### FOURTH PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourth precinct of the Forty-fifth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 94 ballots on which Mr. Livernash had been voted for.

Mr. DIBBLE. Contestant admits that of the 94 ballots offered by contestee 77 are unobjectionable ballots. This offer, however, includes 17 ballots, numbered 158, 137, 124, 195, 64, 43, 7, 51, 135, 89, 113, 36, 159, 11, 59, 121, and 79, objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 3 ballots on which Costley is voted for, and 1 ballot on which Rowell is voted for.

There are 2 ballots, Nos. 97 and 136, on which Kahn and Livernash have both been voted for; 1 ballot, No. 53, on which both Costley and Livernash have been voted for, and 17 ballots on which there is no vote for Representative in Congress.

There are 70 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 21 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 31, two crosses opposite Reeves, Republican.

No. 77, "Dr. C. C. O'Donell," written in the blank column in pencil, for railroad commissioner.

No. 23, identifying mark in purple ink, Democratic.

No. 139, identifying marks in purple ink on the face of the ballot.

No. 200 (so marked for identification), two crosses opposite Cook, Republican.

No. 207, two crosses opposite Holcomb, Democratic.

No. 182, a cross opposite the title of office judges of the superior court, Republican.

No. 12, identifying mark opposite Brown, Republican.

No. 115, two crosses opposite Kirk, Republican.

No. 42, identifying mark opposite Rosborough, Democratic.

No. 52, two crosses opposite Beatty, Republican.

No. 40, two crosses opposite Kirk, Republican.

No. 154, a cross not in the voting square over the name Sganzi, Democratic.

No. 85, identifying mark opposite Kahn, Republican.

No. 82, part of ballot is torn out after the name Lane, Democratic.

No. 201, two crosses opposite Woods, Republican.

No. 181, two crosses opposite to Fritz, Democratic.

No. 175, 2 crosses opposite Reeves, Republican.

No. 107, two crosses, amendment No. 2.

No. 140, identifying marks in the right-hand margin of ballot.

No. 168, crosses opposite the titles judges of the superior court and justices of the peace, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 21 ballots, and claims that they should be counted for contestant.

#### FIFTH PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifth precinct of the Forty-fifth assembly district were then broken by the deputy registrar, and the ballots inspected.

Mr. TEVLIN. There are 77 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 77 ballots offered by contestee, 68 are unobjectionable ballots; but to the following 9 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of

counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the third precinct of the Forty-fifth assembly district.)

The 9 ballots to which contestant objects are numbered 147, 49, 101, 21, 148, 120, 142, 124, and 130, and the objections are as follows:

Nos. 147 and 49, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 101, the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 21, a cross in the wrong square after amendment No. 5.

No. 148, two crosses opposite Wilson, Democratic.

No. 120, attempted erasure after the name Fritz, Democratic.

No. 142, two crosses after White, Union Labor.

No. 124, two crosses opposite Heenan, Democratic.

No. 130, attempted erasure after amendment No. 2.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 9 ballots should be counted as votes for Mr. Livernash.

There are 3 ballots upon which Costley is voted for; 1 ballot, No. 186, on which Kahn and Livernash are voted for, and 21 ballots on which there is no vote for Representative in Congress.

There are 64 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 23 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 34, crosses opposite titles of offices, Republican.

No. 23, crosses opposite titles of offices, Republican.

No. 76, identifying mark in voting square opposite Jordan, Republican.

No. 63, identifying mark upon the back of the ballot.

No. 56, a cross after the title of office, Republican.

No. 54, a cross after the title of office, Republican.

No. 71, two crosses opposite Jordan, Republican.

No. 96, identifying marks in lead pencil opposite Lane, Dockweiler, and Dunne, Democratic.

No. 88, erasure after the name Cook, Republican.

No. 35, two crosses opposite Webb and Kirk, Republican.

No. 100, crosses not in voting squares.

No. 18, two crosses opposite Van Nostrand, Republican.

No. 42, erasure opposite Webb, Republican.

No. 181, two crosses opposite Kirk, Republican.

No. 171, identifying mark opposite Cook, Republican.

No. 184, identifying mark in voting square after amendment No. 6.

No. 155, erasures after the names Liess and Valanstone, Socialist.

No. 165, erasure, or attempted erasure, opposite Law, Democratic.

No. 118, identifying marks in right-hand margin of ballot.

No. 30, identifying mark to the left of Pardee, Republican.

No. 138, two crosses opposite Hebbard, Republican.

No. 69, identifying mark in the right-hand margin of ballot.

No. 58, identifying mark in purple ink in the lower blank portion of the column for Independent nominations.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 23 ballots, and claims that they should be counted for contestant.

#### SIXTH PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixth precinct of the Forty-fifth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 77 ballots on which Mr. Livernash is voted for.

Mr. DIBBLE. Contestant admits that of the 77 ballots offered by contestee 70 are unobjectionable ballots; but to the following 7 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of

counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the third precinct of the Forty-fifth assembly district.)

The 7 ballots to which contestant objects are numbered 46, 60, 146, 130, 19, 87, and 15, and the objections are as follows:

Nos. 46 and 60, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 146, erasure after the name Livernash, Union Labor.

No. 130, a cross after the title justices of the peace, Union Labor.

No. 19, two crosses opposite Beatty, Republican.

No. 87, a cross in the right-hand margin of ballot, and the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 15, crosses in the wrong squares after amendments Nos. 8 and 9.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 7 ballots should be counted as votes for Mr. Livernash.

There are 5 ballots upon which Costley is voted for, and 13 ballots upon which there is no vote for Representative in Congress.

There are 77 ballots upon which Mr. Kahn is voted for to which contestee makes no objection. There are 9 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 94, two crosses opposite Woods and Jordan, Republican.

No. 44, two crosses opposite Beatty, Republican.

No. 105, erasure, or attempted erasure, in the lower voting square of amendment No. 1.

No. 102, two crosses opposite Dunne, Democratic.

No. 99, a cross opposite the title of office, Union Labor ticket.

No. 119, identifying marks opposite McClellan, Republican.

No. 49, erasure, or attempted erasure, opposite Richards, Democratic.

No. 170, identifying marks opposite Lane and Fritz, Democratic.

No. 164, identifying marks in front of and over Curry and Andrew, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 9 ballots, and claims that they should be counted for contestant.

#### SEVENTH PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventh precinct of the Forty-fifth assembly district were then broken by the deputy registrar and the ballot inspected.

Mr. TEVLIN. There are 105 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 105 ballots offered by contestee 88 are unobjectionable ballots. This offer, however, includes 17 ballots—numbered 155, 39, 44, 131, 205, 153, 40, 30, 185, 16, 160, 60, 31, 76, 183, 90, and 136—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 2 ballots on which Costley is voted for; 2 ballots, Nos. 119 and 17, upon which both Kahn and Livernash are voted for, and 10 ballots upon which there is no vote for Representative in Congress.

There are 81 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 18 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 176, two crosses opposite Cook, Republican.

No. 167, identifying mark opposite Colgan, Republican.

No. 95, two crosses opposite Curry, Republican.

No. 82, there is an attempted erasure in the lower voting square of amendment No. 1.

No. 81, two crosses opposite Andrew, Republican.

No. 89, erasure, or attempted erasure, opposite Sganizini, Union Labor.

No. 125, a cross not in a voting square, amendment No. 1; and a cross opposite title of office, Republican ticket.

No. 92, two crosses opposite Shannon, Republican.



No. 26, two crosses opposite Lane, Democratic; identifying mark opposite Boisson, Republican.

No. 23, two crosses opposite Reeves, Republican.

No. 129, two crosses opposite Cook, Republican.

No. 18, identifying mark—to wit, a thumb mark with purple ink—opposite amendment No. 8.

No. 8, two crosses opposite Van Nostrand, Republican.

No. 7, two crosses opposite Lane, Democratic.

No. 48, identifying mark opposite Anderson, Republican.

No. 45, the word "No" written in pencil before amendment No. 8.

No. 133, erasure, or attempted erasure, in the lower voting square of amendment No. 1; identifying mark in said square; a cross not in a voting square, amendment No. 1,

No. 192, crosses not in voting squares. This ballot is indorsed "Illegal ballot," and indorsement is subscribed by the election officers.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 18 ballots, and claims that they should be counted for contestant.

#### EIGHTH PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighth precinct of the Forty-fifth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 115 ballots upon which Mr. Livernash has been voted for. Mr. DIBBLE. Contestant admits that of the 115 ballots offered by contestee 90 are unobjectionable ballots. This offer, however, includes 25 ballots—numbered 27, 108, 203, 141, 151, 142, 208, 116, 170, 132, 136, 172, 9, 14, 213, 8, 82, 56, 5, 20, 17, 13, 135, 51, and 40—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 4 ballots on which Costley is voted for; 1 ballot, No. 44, on which Rowell and Livernash are both voted for; 1 ballot, No. 78, on which Costley and Livernash are both voted for, and 12 ballots on which there is no vote for Representative in Congress.

There are 56 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 24 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 52, two crosses opposite Colgan, Republican.

No. 69, a cross opposite title of office, Republican.

No. 46, two crosses opposite Koch, Republican.

No. 169, crosses opposite titles of offices, Republican.

No. 58, identifying mark opposite amendment No. 8.

No. 61, two crosses opposite Dockweiler, Democratic.

No. 64, two crosses opposite Colgan and Cook, Republican.

No. 189, crosses not in voting squares, constitutional amendments.

No. 99, identifying mark opposite Curry, and an attempted erasure opposite Curry, Republican.

No. 150, two crosses opposite amendment No. 6.

No. 38, two crosses opposite Kahn, Republican.

No. 2, the voter has indicated his choice in lead pencil.

No. 66, two crosses opposite Jordan, Republican.

No. 3, crosses to the left of names in Republican column.

No. 79, two crosses opposite McClellan, Republican.

No. 76, two crosses opposite McGregor, Union Labor.

No. 147, two crosses opposite Hebbard, Republican.

No. 138, two crosses opposite Pardee and Anderson, Republican.

No. 107, identifying mark opposite Boisson, Republican.

No. 75, two crosses opposite Jordan, Republican.

No. 118, two crosses opposite Dunn, Republican.

No. 29, two crosses opposite Hunt, Republican.

No. 125, two crosses opposite Lindsay, Democratic.

No. 174, two crosses opposite Dunne, Democratic.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 24 ballots and claims that they should be counted for contestant.

Here a recess was taken until 2 o'clock p. m.

2 O'CLOCK P. M.

The inspection of the ballots was resumed.

By Mr. TEVLIN:

Q. Mr. Zemansky, will you produce the envelopes containing the ballots in the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth precincts of the Forty-fifth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Q. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### NINTH PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the ninth precinct of the Forty-fifth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 80 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 80 ballots offered by contestee 68 are unobjectionable ballots; but to the following 11 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the third precinct of the Forty-fifth assembly district.)

Mr. DIBBLE. The 11 ballots to which contestant objects are numbered 77, 149, 97, 121, 186, 189, 192, 134, 31, 30, and 72, and the objections are as follows:

Nos. 77, 149, and 97, the name Langdon is voted for in both the Democratic and Union Labor columns.

Nos. 121 and 186, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 189, two crosses opposite McGregor, Union Labor.

No. 192, two crosses opposite Pardee, Republican.

No. 134, the name "Frank K. Lane" written in ink for governor in the column marked "Blank column."

No. 31, erasure after the name Fritz, Democratic.

No. 30, the name Livernash is voted for in both the Democratic and Union Labor columns, and two crosses in the voting square after the name Harkness, Democratic.

No. 72, two crosses after amendment No. 1.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 11 ballots should be counted as votes for Mr. Livernash.

Mr. DIBBLE. The offer of 80 Livernash ballots by contestee includes ballot No. 188, which is a vote for Kahn, and which contestant claims should be counted for Kahn.

Mr. TEVLIN. Contestee denies that Kahn is voted for upon the said ballot No. 188.

There is 1 ballot upon which Rowell is voted for, and 4 ballots upon which there is no vote for Representative in Congress.

There are 103 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 12 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 115, identifying mark opposite amendment No. 1.

No. 150, two crosses opposite Kent, Democratic.

No. 170, two crosses opposite Pardee and Angelotti, Republican.

No. 162, erasure in the upper voting square of amendment No. 8.

No. 20, identifying mark, to wit, a hole in the voting square opposite Lane, Democratic.

No. 9, the voter has indicated his choice in pencil. This ballot is indorsed "Not legal."

No. 133, identifying mark opposite McGregor—Union Labor; identifying mark in purple ink in the blank portion of the Prohibition ticket.

No. 199, there is a cross upon the line dividing the voting squares opposite Long and Dunn. There are two crosses in the square opposite Long, Republican.

No. 43, identifying marks in purple ink in the blank column.

No. 11, there is a cross not in a voting square, amendment No. 8; two crosses opposite Daniels, Republican.

No. 198, erasure opposite Livernash, Democratic.

No. 87, two crosses opposite Anderson, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 12 ballots and claims that they should be counted for contestant.

#### TENTH PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the tenth precinct of the Forty-fifth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 94 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 94 ballots offered by contestee 82 are unobjectionable ballots. This offer, however, includes 12 ballots, numbered 107, 106, 174, 118, 77, 139, 72, 151, 10<sup>1</sup>, 81, 74, and 145, objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 3 ballots upon which Costley is voted for; 9 ballots on which there is no vote for Representative in Congress, and 2 ballots, Nos. 29 and 25, on which both Kahn and Livernash have been voted for.

There are 77 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 10 ballots to which contestee makes the objection that they are invalid and void: that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 164, identifying mark opposite Webb, Republican.

No. 21, identifying mark opposite Lane, Democratic.

No. 178, two crosses, amendment No. 3.

No. 87, two crosses opposite Koch, Republican.

No. 84, two crosses opposite Cook, Republican.

No. 58, a cross on the line dividing the voting squares opposite Daniels and Van Nostrand; two crosses in the square after Van Nostrand, Republican.

No. 160, identifying marks in the constitutional amendments; also identifying marks in lead pencil on the right-hand margin of ballot.

No. 104, identifying marks in the blank portion of the Union Labor ticket.

No. 67, identifying mark opposite Cook, Republican.

No. 116, two crosses opposite Lane, Democratic.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 10 ballots, and claims that they should be counted for contestant.

#### ELEVENTH PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eleventh precinct of the Forty-fifth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 82 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 82 ballots offered by contestee 69 are unobjectionable ballots; but to the following 13 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the third precinct of the Forty-fifth assembly district.

The 13 ballots to which contestant objects are numbered 125, 98, 37, 16, 75, 151, 188, 27, 52, 35, 18, 39, 118, and the objections are as follows:

No. 125, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 98, two crosses after Law, Democratic.

No. 37, two crosses opposite amendment No. 2.

No. 16, pencil erasure after amendment No. 8.

No. 75, erasure opposite Kahn, Republican.



No. 151, erasure opposite Rosborough, Democratic.

No. 188, erasure opposite Dunne, Democratic, and the name Langdon is voted for in both the Democratic and Union Labor columns.

No. 27, crosses in the wrong squares after amendments Nos. 1 to 9, inclusive.

No. 52, a cross after the title judges of the superior court, Union Labor.

No. 35, erasure after the name Wilson, Democratic.

No. 18, two crosses opposite McGregor, Union Labor.

No. 39, two crosses after amendment No. 5.

No. 118, erasure after the name Cook, Republican, and two crosses in the voting square after Rosborough, Democratic.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 13 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot on which Rowell is voted for; there are 2 ballots on which Costley is voted for, and 4 ballots on which there is no vote for Representative in Congress.

There are 104 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 14 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should have been counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 157, erasure in the upper voting square of amendment No. 8.

No. 183, two crosses opposite Webster, Republican.

No. 149, two crosses opposite Cook, Republican.

No. 94, identifying mark in ink at the head of the column "For Independent nominations."

No. 33, two crosses opposite Sganzi, Union Labor.

No. 159, two crosses opposite Anderson, identifying mark opposite Jordan, and mark opposite title of office justices of the peace, Republican.

No. 160, two crosses opposite Beatty, Republican.

No. 31, two crosses opposite Webster, Republican.

No. 142, cross opposite titles of offices, Republican.

No. 192, identifying mark in ink in the right-hand margin of ballot.

No. 53, identifying mark in the lower voting square of amendment No. 8 and two crosses in said square.

No. 92, identifying marks in lead pencil opposite Lane and other names, Democratic and Republican.

No. 4, a cross on the line dividing voting squares opposite Harkness and Brooks, and a cross in each of said squares.

No. 191, identifying marks in the voting squares in the Republican column.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 14 ballots, and claims that they should be counted for contestant.

## TWELFTH PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twelfth precinct of the Forty-fifth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 74 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 74 ballots offered by contestee 64 are unobjectionable ballots; but to the following 10 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the third precinct of the Forty-fifth assembly district.)

The 10 ballots to which contestant objects are numbered 71, 164, 166, 119, 178, 2, 4, 49, 99, and 19, and the objections are as follows:

No. 71, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 164, a cross in the wrong square after amendment No. 1.

No. 166, two crosses after amendment No. 1.

No. 199, erasure after amendment No. 3.

No. 178, two crosses after amendment No. 3.

No. 2, a cross after the title justices of the peace, Democratic.

No. 4, erasure after the name Sganzi, Union Labor.

No. 49, a cross after the name Fritz not within a voting square, Democratic.

No. 99, two crosses opposite Langdon, Union Labor.

No. 19, crosses in the wrong squares after amendments Nos. 5 to 9, inclusive.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 10 ballots should be counted as votes for Mr. Livernash.

There are 2 ballots upon which Costley is voted for, and 8 ballots upon which there is no vote for Representative in Congress.

There are 88 ballots upon which Mr. Kahn is voted for to which contestee makes no objection. There are 11 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 51, identifying mark in the upper voting square of amendment No. 1.

No. 151, two crosses opposite Dunn, Republican.

No. 129, two crosses opposite Van Nostrand, Republican.

No. 65, two crosses opposite Webb, Republican.

No. 111, two crosses opposite Mueller, Union Labor.

No. 172, two crosses opposite Daniels, Republican.

No. 63, two crosses opposite Cook, Republican.

No. 24, a cross after the title of office judges of the superior court, Republican.

No. 55, two crosses opposite Pardee, Republican.

No. 26, two crosses opposite Brown, Republican.

Mr. TEVLIN. There is a ballot, No. 39, upon which the voter has indicated his choice in lead pencil, a lead pencil cross appearing in the voting square opposite Julius Kahn. This is indorsed, "Not counted on account of having been written instead of marked with rubber stamp."

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 11 ballots, and claims that they should be counted for contestant.

### THIRTEENTH PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelopes containing the ballots cast in the thirteenth precinct of the Forty-fifth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 88 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 88 ballots offered by contestee 79 are unobjectionable ballots; but to the following 9 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California, and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the third precinct of the Forty-fifth assembly district.

The 9 ballots to which contestant objects are numbered 115, 42, 17, 103, 51, 60, 72, 139, and 74, and the objections are as follows:

Nos. 115 and 42, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 17, the name Lawson is voted for in both the Democratic and Union Labor columns.

No. 103, an erasure after the name Holcomb, Democratic.

No. 51, crosses in the wrong squares after amendments Nos. 1 to 9, inclusive.

No. 60, two crosses opposite Long, Republican.

No. 72, a cross after the title justices of the peace, Union Labor.

No. 139, an erasure after the name Livernash, Democratic.

No. 74, crosses after the titles of offices, Union Labor.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 9 ballots should be counted as votes for Mr. Livernash.

There are 4 ballots upon which Costley is voted for; 2 ballots, Nos. 159 and 33, upon which both Kahn and Livernash are voted for, and 5 ballots upon which there is no vote for Representative in Congress.

There are 78 ballots upon which Mr. Kahn is voted for to which contestee makes no objection. There are 24 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn,

and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 3, crosses after the titles of offices, Republican.

No. 197, two crosses in the upper voting square of amendment No. 4.

No. 178, two crosses opposite Brown and Andrew, Republican.

No. 203, a cross opposite the title of office justices of the peace, Republican.

No. 125, crosses not in voting squares, constitutional amendments.

No. 114, two crosses opposite Anderson, Republican.

No. 116, erasure after Dunne and a pencil cross in the square opposite Carroll, Democratic.

No. 11, a cross not in a voting square, amendment No. 1.

No. 126, two crosses opposite Pardee, Republican.

No. 190, two crosses opposite Shannon, Republican.

No. 71, two crosses opposite Long and Daniels, Republican.

No. 121, two crosses opposite Webb, Republican.

No. 94, a cross not in the voting square to the left of Harkness, Democratic.

No. 123, crosses not in voting squares, constitutional amendments.

No. 163, two crosses opposite Van Nostrand, Republican.

No. 176, two crosses opposite Lane, Democratic.

No. 122, two crosses opposite Daniels, Republican.

No. 201, erasure in the lower voting square of amendment No. 2.

No. 194, identifying mark in ink, right-hand margin, opposite amendment No. 9.

No. 189, cross not in a voting square, opposite title for governor.

No. 91, two crosses opposite Kahn.

No. 2, identifying mark opposite Dunn; attempted erasure opposite Dunn, Republican.

No. 49, a cross not in a voting square, amendment No. 1.

No. 52, two crosses opposite Trask, Democratic.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 24 ballots and claims that they should be counted for contestant.

#### FOURTEENTH PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourteenth precinct of the Forty-fifth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 73 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 73 ballots offered by contestee, 65 are unobjectionable ballots; but to the following 8 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the third precinct of the Forty-fifth assembly district.)

The 8 ballots to which contestant objects are numbered 121, 14, 119, 180, 7, 135, 112, and 72, and the objections are as follows:

Nos. 121 and 14, the name Langdon is voted for in both the Democratic and Union Labor columns.

Nos. 119 and 180, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 7, erasure after amendment No. 5.

No. 135, a cross after the title judge of the superior court and two crosses in the right-hand margin of ballot.

No. 112, two crosses in the voting square after the name Lane, Democratic.

No. 72, erasure after the name Costley, Socialist, and the name Livernash voted for in both the Democratic and Union Labor columns, and crosses after the titles in the Union Labor column.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 8 ballots should be counted as votes for Mr. Livernash.

There are 9 ballots on which Costley is voted for and 7 ballots on which there is no vote for Representative in Congress.

There are 90 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 17 ballots to which contestee makes the objection that they are



invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

- No. 26, two crosses opposite Beatty, Republican.
  - No. 32, two crosses opposite Lindsay, Democratic.
  - No. 106, two crosses, amendment No. 8.
  - No. 177, a cross in the upper margin of ballot over the Democratic heading.
  - No. 159, erasure in the upper voting square of amendment No. 8.
  - No. 11, two crosses opposite Van Nostrand, Republican.
  - No. 2, erasure opposite Shaw, Republican.
  - No. 134, two crosses opposite Webster, Republican.
  - No. 162, two crosses opposite Anderson, Republican.
  - No. 18, 2 crosses opposite Colgan, Republican, and three crosses opposite Webb, Republican.
  - No. 125, erasures opposite amendments Nos. 1, 2, and 3.
  - No. 51, two crosses opposite Woods, Republican.
  - No. 45, identifying mark, to-wit, finger marks in the Socialist column.
  - No. 57, a cross in the upper margin of ballot over the Republican heading.
  - No. 58, two crosses opposite Kahn, Republican.
  - No. 113, two crosses opposite Curry and Kahn, Republican.
  - No. 114, identifying mark over the title lieutenant-governor, Democratic.
- Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 17 ballots and claims that they should be counted for contestant.

#### FIFTEENTH PRECINCT, FORTY-FIFTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifteenth precinct of the Forty-fifth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 98 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 98 ballots offered by contestee, 87 are unobjectionable ballots; but to the following 11 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the third precinct of the Forty-fifth assembly district.)

Mr. DIBBLE. The 11 ballots to which contestant objects are numbered 70, 20, 124, 108, 159, 72, 106, 142, 206, 176, and 177, and the objections are as follows:

Nos. 70, 20, and 124, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 108, two crosses in the voting square after amendment No. 1.

No. 159, a cross in the wrong square after amendment No. 8, and the name Langdon is voted for in both the Democratic and Union Labor columns, and three crosses in the voting square after the name Langdon, Democratic.

No. 72, erasure after amendment No. 4.

No. 106, the name Adam Andrew written in ink for railroad commissioner in the blank column.

No. 142, pencil erasure after the name Farnsworth, Democratic.

No. 206, erasure after the name Baggett, Democratic.

No. 176, erasure after the name Livernash, Democratic.

No. 177, two crosses in the voting square after amendment No. 2.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant and claims that the said 11 ballots should be counted as votes for Mr. Livernash.

There is 1 ballot, No. 90, on which Kahn and Livernash are both voted for, and 2 ballots on which Costley is voted for, and 11 ballots on which there is no vote for Representative in Congress.

There are 95 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 7 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 5, identifying mark in voting square opposite Sullivan, Democratic, and an attempted erasure in said voting square.

No. 109, two crosses in the voting square, amendment No. 9.

No. 170, two crosses opposite Woods, Republican.

No. 68, the ballot is identified in this, that the voting squares and part of amendment No. 9 are not printed on the ballot.

No. 187, two crosses opposite Hebbard, Republican.

No. 214, two crosses opposite amendment No. 1.

No. 212, crosses opposite titles of offices, Republican.

Here an adjournment was taken until April 8, 1903, at 9 o'clock a. m.

APRIL 8, 1903—9 o'clock a. m.

The inspection of the ballots was resumed.

Mr. TEVLIN. Mr. Zemansky, will you produce the ballots in the first, second, third, fourth, fifth, sixth, seventh, and eighth precincts of the Twenty-eighth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Mr. TEVLIN. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?

A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

### FIRST PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the first precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 118 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 118 ballots offered by contestee 96 are unobjectionable ballots. This offer, however, includes 22 ballots—numbered 120, 30, 117, 72, 126, 192, 58, 60, 14, 147, 133, 155, 159, 137, 97, 110, 6, 79, 7, 22, 46, and 131—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 2 ballots upon which Costley is voted for; 1 ballot upon which Rowell is voted for; 2 ballots, Nos. 170 and 62, on which both Costley and Livernash are voted for; 1 ballot, No. 156, on which both Kahn and Livernash are voted for, and 11 ballots on which there is no vote for Representative in Congress.

There are 54 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 13 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 181, two crosses opposite Webster, Republican.

No. 106, two crosses opposite McClellan, Republican, and crosses not in voting squares, constitutional amendments.

No. 161, two crosses opposite Dunne, Democratic.

No. 105, two crosses opposite Anderson and Cook, Republican.

No. 3, two crosses opposite Alford, Democratic.

No. 24, two crosses opposite Long and Dunn, Republican; identifying marks on the edge of right-hand margin of ballot, opposite amendment No. 2.

No. 102, two crosses opposite Shannon and Angelotti, Republican.

No. 173, erasure opposite Kent, Democratic.

No. 152, two crosses opposite Shannon, Republican.

No. 66, pencil erasure in the lower voting square of amendment No. 1.

No. 35, two crosses opposite Daniels, Republican.

No. 51, two crosses opposite Koch, Republican.

No. 96, two crosses opposite Reeves and Jordan, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 13 ballots and claims that they should be counted for contestant.

### SECOND PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the second precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 121 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 121 ballots offered by contestee 102 are unobjectionable ballots. This offer, however, includes 19 ballots—numbered 13, 73, 49, 198, 178, 21, 29, 60, 134, 172, 96, 15, 105, 34, 181, 18, 37, 116, and 95—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 4 ballots upon which Costley is voted for and 7 ballots on which there is no vote for Representative in Congress.

There are 81 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 9 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 63, two crosses opposite Colgan, Republican.

No. 30, two crosses opposite Reeves, Republican.

No. 177, two crosses opposite Reeves, Republican.

No. 90, two crosses opposite Woods, Republican.

No. 39, two crosses opposite Trask, Democratic.

No. 154, a cross not in a voting square, amendment No. 8.

No. 64, two crosses opposite Dunn and Koch, Republican.

No. 192, two crosses opposite Lawson, Union Labor.

No. 195, erasure after Cook, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 9 ballots and claims that they should be counted for contestant.

### THIRD PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the third precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 123 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 123 ballots offered by contestee 107 are unobjectionable ballots. This offer, however, includes 14 ballots—numbered 171, 180, 4, 21, 27, 88, 25, 82, 156, 94, 43, 105, 14, and 112—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified; and also 2 ballots, Nos. 68 and 160, which are illegal and void under the laws and decisions of the State of California and should not be counted for the following reasons:

No. 68, two crosses in the voting square after the name Baggett, Democratic.

No. 160, a cross at the head of the column marked Republican ticket.

Mr. TEVLIN. Contestee objects to counsel for contestant noting any objections not voted by him on his case in chief to ballots cast in this precinct, or in any precinct of the Twenty-eighth assembly district, on which there is a cross made by the voting stamp in the square opposite the name of Mr. Livernash, on the grounds—

First. That all such ballots which might be objected to, or to which counsel for contestant may assert any objection or objections to their being counted as votes for contestee, should have been produced by contestant as evidence in support of the allegations contained in his notice of contest and within the time limited by law for the production of such evidence, and should have been then objected to.

Second. That the time within which contestant could and should offer evidence as to invalid votes cast for contestee has expired.

There are 5 ballots on which Costley is voted for, 1 ballot on which Rowell is voted for, 4 ballots on which there is no vote for Representative in Congress, and 1 ballot—No. 81—on which both Kahn and Livernash are voted for.

There are 47 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 10 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 75, two crosses opposite Curry, Republican.

No. 133, two crosses in the upper voting square of amendment No. 2.

No. 2, identifying mark opposite Lister, Union Labor.

No. 134, a cross in the wrong square—amendment No. 8.

No. 136, crosses in the wrong squares of amendments Nos. 1, 5, 6, 7, and 8.

No. 26, two crosses opposite Colgan, Republican.

No. 33, two crosses opposite Hunt, Republican.



No. 87, attempted erasure in the lower voting square of amendment No. 1.

No. 44, identifying mark opposite Angelotti, Republican.

No. 182, two crosses opposite Koch, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 10 ballots and claims that they should be counted for contestant.

#### FOURTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourth precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 87 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 87 ballots offered by contestee 78 are unobjectionable ballots. This offer, however, includes 9 ballots, numbered 117, 112, 108, 33, 64, 138, 30, 3, and 37, objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 5 ballots on which Costley has been voted for; 1 ballot on which both Costley and Livernash are voted for, No. 123; and 3 ballots on which there is no vote for Representative in Congress.

There are 41 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 5 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 140, attempted erasure in the lower voting square of amendment No. 2, identifying mark in said square.

No. 34, two crosses opposite Kahn, Republican.

No. 81, two crosses, amendment No. 6.

No. 80, two crosses opposite Baggett, Democratic.

No. 66, crosses not in voting squares, amendments Nos. 1 to 3.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 5 ballots and claims that they should be counted for contestant.

#### FIFTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifth precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 106 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 106 ballots offered by contestee 95 are unobjectionable ballots. This offer, however, includes 11 ballots, numbered 143, 4, 157, 49, 147, 77, 130, 165, 64, 65, and 120, objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 3 ballots on which Costley is voted for, and 8 ballots on which there is no vote for Representative in Congress.

There are 41 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 10 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 13, two crosses in the voting square opposite amendment No. 9.

No. 123, two crosses opposite Brown, Colgan, and Daniels, Republican.

No. 5, two crosses opposite Colgan, Jordan, and Hebbard, Republican.

No. 135, erasure opposite Langdon, Union Labor.

No. 9, a cross in the lower left-hand corner of the Socialist column.

No. 161, two crosses opposite Koch, Republican.

No. 26, identifying mark opposite Andrew; attempted erasure after Andrew, Republican.

No. 34, 2 crosses opposite Pardee, Republican.

No. 16, two crosses opposite Pardee, Republican.

No. 99, identifying mark in the lower voting square of amendment No. 4.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 10 ballots and claims that they should be counted for contestant.

#### SIXTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixth precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 114 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 114 ballots offered by contestee 94 are unobjectionable ballots. This offer, however, includes 20 ballots, numbered 171, 48, 36, 49, 30, 92, 175, 100, 40, 25, 44, 4, 120, 37, 23, 20, 87, 3, 41 and 65, objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 10 ballots on which Costley is voted for; 3 ballots on which Rowell is voted for; 7 ballots on which there is no vote for Representative in Congress is voted for, and 1 ballot, No. 172, on which both Costley and Livernash are voted for.

There are 53 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 6 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 139, identifying mark in the lower voting square of amendment No. 1.

No. 110, identifying marks in lower voting squares opposite amendments Nos. 1 and 3.

No. 50, crosses not in voting squares, amendments Nos. 1, 2, and 3.

No. 152, identifying mark opposite Brower, Socialist.

No. 111, erasure opposite Beatty, Republican.

No. 101, two crosses in the upper voting square of amendment No. 5.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 6 ballots and claims that they should be counted for contestant.

#### SEVENTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventh precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 139 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 139 ballots offered by contestee 123 are unobjectionable ballots. This offer, however, includes 16 ballots, numbered 180, 14, 130, 63, 74, 44, 32, 17, 28, 183, 165, 181, 143, 125, 89, and 61, objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Ballot No. 180 is further illegal in that it has an erasure after the title "For associate justices of the supreme court" and in the Prohibition column.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballot No. 180, upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the third precinct of the Twenty-eighth assembly district.)

Mr. TEVLIN. There is 1 ballot upon which Costley is voted for; 1 ballot, No. 21, on which both Kahn and Costley are voted for; and there are 14 ballots on which there is no vote for Representative in Congress. There are 28 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 8 ballots to which contestee makes the objection that they are illegal and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 141, two crosses opposite Kirk, Republican.

No. 174, two crosses opposite Pardee, Republican.

No. 55, two crosses opposite Rosborough, Democratic.

No. 20, identifying mark opposite Livernash, Union Labor.

No. 131, crosses after titles of offices judges of the superior court and justices of the peace, Republican.

No. 168, two crosses opposite Woods, Republican; and a cross not in a voting square, amendment No. 9.

No. 77, two crosses opposite Hebbard, Republican.

No. 88, a cross not in a voting square, amendment No. 1.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 8 ballots and claims that they should be counted for contestant.

#### EIGHTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighth precinct of the Twenty-eighth assembly district were broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 116 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 116 ballots offered by contestee 98 are unobjectionable ballots. This offer, however, includes 18 ballots—numbered 74, 37, 38, 48, 150, 167, 99, 194, 113, 61, 41, 33, 49, 121, 112, 118, 83, and 147—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 4 ballots on which Costley is voted for; 6 ballots on which there is no vote for Representative in Congress; 1 ballot upon which the name Carpenter is voted for, and 1 ballot, No. 91, on which both Kahn and Livernash are voted for.

There are 55 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 21 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 81, a blot in the Republican column.

No. 169, two crosses in the lower voting square of amendment No. 8.

No. 130, two crosses opposite Cook, Republican.

No. 134, two crosses opposite Beatty, Republican.

No. 186, identifying mark in the lower voting square of amendment No. 2; attempted erasure in said square; two crosses in the upper voting square of amendment No. 6.

No. 141, two crosses opposite Van Nostrand and Long, Republican.

No. 176, two crosses opposite Hebbard, Republican.

No. 71, identifying mark opposite Andrew, Republican; three crosses opposite Braunhart, Democratic.

No. 72, two crosses opposite Anderson, Republican.

No. 22, identifying mark opposite title of office judges of the superior court, Republican; identifying mark opposite Hunt, Republican.

No. 34, two crosses opposite Koch, Republican.

No. 116, two crosses opposite Jordan and Kirk, Republican.

No. 192, identifying mark in the lower voting square of amendment No. 2.

No. 14, crosses opposite titles of offices judges of the superior court and justices of the peace, Republican.

No. 70, crosses opposite titles of offices judges of the superior court and justices of the peace, Republican.

No. 54, two crosses opposite Hunt, Republican.

No. 98, C. H. King written in blank column as nominee for attorney-general, the name Cameron H. King being printed upon the ticket as a candidate for the same office, and there being also a cross in the voting square opposite U. S. Webb, candidate for said office, Republican.

No. 39, crosses not in voting squares opposite constitutional amendments.

No. 157, identifying mark opposite Koch, Republican; identifying marks in purple ink on the face of the ballot.

No. 66, crosses not in voting squares, Republican column.

No. 171, two crosses opposite Jordan, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 21 ballots, and claims that they should be counted for contestant.

Here a recess was taken until 1.30 p. m.



1.30 O'CLOCK P. M.

The inspection of the ballots was resumed.

Mr. TEVLIN. Mr. Zemansky, will you produce the envelopes containing the ballots in the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth precincts of the Twenty-eighth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Mr. TEVLIN. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?

A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### NINTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the ninth precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 111 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 111 ballots offered by contestee 97 are unobjectionable ballots. This offer, however, includes 14 ballots—numbered 132, 116, 24, 4, 83, 109, 125, 105, 145, 142, 149, 101, 148, and 114—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There is 1 ballot, No. 75, on which both Costley and Livernash are voted for; 1 ballot, No. 91, on which both Kahn and Livernash are voted for; 5 ballots on which Costley is voted for, and 8 ballots on which there is no vote for Representative in Congress.

There are 44 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 7 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 59, a cross not in the voting square to the left of the name Dunne, Democratic.

No. 130, two crosses opposite Dockweiler, Democratic.

No. 123, the voter has indicated his choice in pencil marks.

No. 2, a cross in the right-hand margin of ballot opposite amendment No. 2.

No. 37, identifying mark opposite Curry and an attempted erasure opposite Curry, Republican.

No. 50, identifying marks in pencil opposite McClellan and Hebbard, Republican.

No. 41, crosses not in voting squares, amendments Nos. 5 and 8.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 7 ballots and claims that they should be counted for contestant.

#### TENTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the tenth precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 81 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 81 ballots offered by contestee 63 are unobjectionable ballots. This offer, however, includes 17 ballots—numbered 76, 7, 126, 127, 70, 139, 13, 49, 48, 32, 111, 104, 123, 108, 16, 77, and 105—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

And also ballot No. 128, upon which the name Lawson is voted in both the Democratic and Union Labor columns, which ballot contestant claims is illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballot No. 128, upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the third precinct of the Twenty-eighth assembly district.)

Mr. TEVLIN. There are 3 ballots on which Costley is voted for; 12 ballots on which there is no vote for Representative in Congress; 1 ballot, No. 94, on which both Kahn

and Livernash are voted for, and one ballot, No. 30, on which both Costley and Livernash are voted for.

There are 33 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 8 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 87, identifying mark opposite Cook, Republican.

No. 15, a cross not in a voting square, amendment No. 8.

No. 40, identifying mark opposite Shaw, and an attempted erasure opposite Shaw, Republican.

No. 84, crosses not in voting squares, constitutional amendments.

No. 24, a cross in the lower margin of ballot under the Socialist column.

No. 131, a cross opposite the title of office judges of the superior court, Republican.

No. 129, two crosses opposite Curry, Republican.

No. 29, two crosses opposite Alford, Democratic.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 8 ballots, and claims that they should be counted for contestant.

#### ELEVENTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eleventh precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 112 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 112 ballots offered by contestee 97 are unobjectionable ballots. This offer, however, includes 15 ballots, numbered 128, 94, 27, 96, 153, 93, 150, 180, 116, 98, 178, 139, 183, 26, and 29, objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 5 ballots on which Costley is voted for and 9 ballots on which there is no vote for Representative in Congress.

There are 49 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 15 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 45, two crosses opposite Angelotti, Republican; identifying mark opposite Gett; attempted erasure opposite Gett, Democratic.

No. 6, the name H. T. Gage written in the blank column, with a cross following the same. Also ink lines drawn through the names Beatty, Angelotti, and Andrew, Republican. This ballot is indorsed "Rejected as a marked ballot on account of lines drawn through the names with ink," and the indorsement is subscribed by the election officers.

No. 176, two crosses opposite amendment No. 9.

No. 71, identifying mark in ink opposite amendments Nos. 1 and 2.

No. 42, two crosses opposite amendment No. 9.

No. 134, two crosses opposite Lawson, Democratic.

No. 85, two crosses opposite Pardee, Anderson, and Curry, Republican.

No. 111, identifying mark opposite the title of office, judges of the superior court, Republican.

No. 161, two crosses opposite Angelotti, Republican.

No. 44, two crosses opposite Colgan and Beatty and a cross opposite the title of office, judges of the superior court, Republican.

No. 123, crosses not in voting squares opposite the constitutional amendments.

No. 89, two crosses opposite Cook, Kirk, Republican.

No. 127, two crosses opposite Anderson, Republican.

No. 165, identifying mark in the voting square opposite Woodman; attempted erasure in said square, Democratic.

No. 162, identifying mark opposite Angelotti, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 15 ballots and claims that they should be counted for contestant.

## TWELFTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twelfth precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 73 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 73 ballots offered by contestee 58 are unobjectionable ballots. This offer, however, includes 15 ballots—numbered 17, 103, 50, 65, 28, 21, 58, 23, 37, 47, 51, 52, 46, 38, and 36—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted, for the reasons there specified.

Mr. TEVLIN. There are 8 ballots on which Costley is voted and 7 ballots upon which there is no vote for Representative in Congress.

Mr. DIBBLE. Contestant objects to this offer, and claims that there are only 6 ballots upon which no vote is recorded for Representative in Congress of the Fourth Congressional district.

The offer made by contestee includes ballot No. 102, which contestant submits is a vote for Kahn and should be counted for him.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the third precinct of the Twenty-eighth assembly district.)

Mr. TEVLIN. Two ballots, Nos. 22 and 32, on which both Costley and Livernash are voted for.

Mr. DIBBLE. Contestant calls attention to the fact that these ballots were erroneously offered as ballots for Livernash in the production of his case in chief.

Mr. TEVLIN. I object on the ground that it does not appear that the ballots were erroneously offered as votes for Livernash on the production of contestant's evidence in his case in chief.

There are 35 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 11 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should have been counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 31, identifying mark opposite amendment No. 6.

No. 18, two crosses opposite Shaw, Republican; identifying mark after Dunne, Democratic.

No. 4, identifying mark after the title of office, judges of the superior court, Republican.

No. 91, two crosses opposite Franklin, Republican.

No. 67, a cross after the title of office, justices of the peace, Republican.

No. 43, identifying mark after Livernash, Union Labor.

No. 88, a cross in the lower blank portion of the Prohibition column.

No. 101, identifying mark opposite Lane, Democratic.

No. 136, identifying mark in the voting square after amendment No. 6.

No. 15, identifying mark opposite Pardee, Republican.

No. 90, two crosses opposite Colgan, Reeves, and Shaw, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 11 ballots and claims that they should be counted for contestant.

There is 1 ballot, No. 102, upon which contestant submits that the name Kahn is voted for, which has not been offered either as an objected or unobjectionable ballot for Kahn, which ballot contestant submits should be counted for Kahn.

## THIRTEENTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the thirteenth precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 82 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 82 ballots offered by contestee 71 are unobjectionable ballots. This offer, however, includes 11 ballots, numbered 45, 44, 140, 50, 55, 98, 51, 129, 127, 109, and 22, objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the



laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 4 ballots on which Costley is voted for; 2 ballots, Nos. 83 and 7, on which both Kahn and Livernash are voted for, and 10 ballots on which there is no vote for Representative in Congress.

There are 30 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 12 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 15, two crosses opposite Pardee and Franklin, Republican.

No. 78, crosses not in voting squares opposite constitutional amendments.

No. 26, crosses not in voting squares opposite constitutional amendments.

No. 135, identifying mark opposite Pardee, Republican.

No. 13, two crosses opposite Cook, Republican; two crosses opposite Jenks, Democratic.

No. 37, crosses opposite the titles of the offices, judges of the superior court and justices of the peace, Republican.

No. 53, crosses not in voting squares opposite constitutional amendments.

No. 137, two crosses opposite Colgan, Reeves, and Webb, Republican, and a cross in the blank portion of Union Labor column.

No. 79, crosses after titles of offices, judges of the superior court and justices of the peace, Republican.

No. 86, a cross opposite the title of office, judges of the superior court, Republican.

No. 12, crosses after titles of offices, judges of the superior court and justices of the peace, Republican.

No. 110, two crosses opposite Langdon, Union Labor.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 12 ballots and claims that they should be counted for contestant.

And contestant calls attention to the fact that there is a discrepancy between the votes polled for Livernash and Kahn at this time and the votes counted during the production of contestant's evidence in chief.

#### FOURTEENTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourteenth precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 144 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 144 ballots offered by contestee 118 are unobjectionable ballots. This offer, however, includes 26 ballots—numbered 128, 19, 13, 46, 118, 201, 124, 82, 154, 166, 218, 193, 39, 188, 170, 173, 122, 36, 15, 58, 52, 81, 62, 86, 185, and 91—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 8 ballots on which Costley is voted for, 1 ballot on which Rowell is voted for, 9 ballots on which there is no vote for Representative in Congress, and 2 ballots, Nos. 30 and 96, on which Kahn and Livernash are both voted for.

There are 53 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 7 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 53, identifying mark in the lower voting square of amendment No. 3.

No. 26, two crosses opposite Webster, Republican.

No. 54, two crosses opposite Lane, Democratic.

No. 79, two crosses opposite Andrew and Van Nostrand, Republican.

No. 212, a cross not in a voting square, amendment No. 4.

No. 196, identifying mark in ink on the right margin of ballot.

No. 149, two crosses opposite Kahn, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 7 ballots, and claims that they should be counted for contestant.

## FIFTEENTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifteenth precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 69 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 69 ballots offered by contestee 54 are unobjectionable ballots. This offer, however, includes 15 ballots—numbered 96, 70, 111, 50, 83, 99, 114, 47, 87, 104, 71, 19, 42, 49, and 54—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 6 ballots on which Costley is voted for, and 1 ballot—No. 60—on which both Costley and Livernash are voted for, and 4 ballots on which there is no vote for Representative in Congress.

There are 39 ballots on which Mr. Kahn is voted for, to which contestee makes no objection. There are 11 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 108, two crosses opposite Angelotti and Van Nostrand, Republican.

No. 105, identifying mark opposite Fritz, Democratic.

No. 98, two crosses opposite Anderson and Colgan, Republican.

No. 18, two crosses opposite Shannon, Republican.

No. 80, identifying mark in purple ink in the upper portion of the column for independent nominations.

No. 115, identifying mark in lead pencil in the voting square opposite Pardee, Republican.

No. 5, two crosses opposite Franklin, Republican.

No. 10, identifying marks in purple ink in the Democratic column, and identifying mark in the square opposite the name Koch, Republican.

No. 126, two crosses in the upper voting square of amendment No. 3, and in the upper and lower voting squares of amendment No. 6.

No. 100, identifying mark in ink opposite Angelotti, Shaw, and Brown, Republican.

No. 85, two crosses opposite Woods, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 11 ballots, and claims they should be counted for contestant.

## SIXTEENTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixteenth precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 31 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 31 ballots offered by contestee 27 are unobjectionable ballots; but to the following 4 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the third precinct of the Twenty-eighth assembly district.)

Mr. DIBBLE. The 4 ballots to which contestant objects are numbered 10, 3, 98, and 49, and the objections are follows:

Nos. 10 and 3, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 98, two crosses in the voting square, amendment No. 8.

No. 49, erasure after the name Burton, Democratic; and the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 4 ballots should be counted as votes for Mr. Livernash.

There are 3 ballots on which Costley is voted for, and 7 ballots on which there is no vote for Representative in Congress.

There are 55 ballots on which Mr. Kahn is voted for to which contestee makes no

objection. There are 10 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 104, identifying marks in lead pencil in the lower voting square of amendment No. 4.

No. 52, two crosses opposite Hebbard, Republican.

No. 21, a cross not in the voting square in front of the name Kahn, Republican.

No. 89, a cross on the line dividing the voting squares opposite McClellan, and Hebbard, Republican.

Mr. DIBBLE. It is submitted that this is not a valid objection under any law or decision of the State of California.

Mr. TEVLIN (continuing). No. 11, two crosses opposite Van Nostrand, Republican.

No. 84, identifying mark opposite Franklin, Republican.

No. 67, two crosses opposite Long, Republican.

No. 102, two crosses opposite Franklin, Republican, and Dunne, Democratic.

No. 93, identifying marks in purple ink in the blank portion of the Union Labor column.

No. 54, identifying mark in the upper voting square of amendment No. 4, and an attempted erasure in said square.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 10 ballots, and claims that they should be counted for contestant.

#### SEVENTEENTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventeenth precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 96 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 96 ballots offered by contestee, 79 are unobjectionable ballots. This offer, however, includes 15 ballots—numbered 78, 102, 122, 148, 150, 156, 126, 62, 17, 93, 162, 131, 105, 64, and 85—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

And also includes ballots numbered 96 and 34, which contestant claims are illegal and void under the laws and decisions of the State of California and should not be counted.

(Counsel for contestee here renewed his objections to the proposed objections of counsel for contestant to ballots Nos. 96 and 34, upon which there is a cross made by the voting stamp in the square opposite the name Edward J. Livernash, in the same terms in which his said objections are heretofore stated to Mr. Dibble's objections to ballots cast in the third precinct of the Twenty-eighth assembly district.)

Mr. DIBBLE. The illegalities are, in ballot No. 96, an attempted erasure after the name Brauhart, Democratic; and ballot No. 34, erasure after the name Long, Republican.

Mr. TEVLIN. There are 13 ballots on which there is no vote for Representative in Congress, and 2 ballots on which Costley is voted for.

There are 43 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 10 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 145, identifying mark in the lower voting square of amendment No. 8.

No. 10, identifying mark opposite White, Union Labor.

No. 103, two crosses opposite Hunt, Republican.

No. 7, two crosses opposite Webb, Republican.

No. 12, identifying mark after the name Brauhart, Democratic.

No. 71, identifying mark opposite Lane, Democratic.

No. 30, two crosses opposite Pardee and Curry, Republican.

No. 20, two crosses opposite Beatty, Republican.

No. 66, two crosses opposite Pardee, Republican.

No. 153, crosses not in voting squares of the amendments.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 10 ballots, and claims that they should be counted for contestant.



## EIGHTEENTH PRECINCT, TWENTY-EIGHTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighteenth precinct of the Twenty-eighth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 84 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 84 ballots offered by contestee 76 are unobjectionable ballots. This offer, however, includes 8 ballots—numbered 82, 50, 8, 143, 58, 97, 117, and 75—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 17 ballots on which Costley is voted for, and 2 ballots on which there is no vote for Representative in Congress.

There are 47 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 7 ballots to which contestee makes the objections that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 37, a cross not in a voting square, amendment No. 8.

No. 129, identifying mark opposite Kent, Democratic; erasure opposite Livernash, Union Labor.

No. 84, identifying mark in purple ink in the column for Independent nominations; identifying mark opposite Franklin, Republican.

No. 101, crosses not in voting squares, constitutional amendments.

No. 125, numerous crosses in the lower voting square of amendment No. 2.

No. 76, two crosses in the lower voting square of amendment No. 9.

No. 51, identifying marks opposite Trask, Democratic.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 7 ballots, and claims that they should be counted for contestant.

Here an adjournment was taken to April 9, 1903, at 9 o'clock a. m.

APRIL 9, 1903—9 o'clock, a. m.

The inspection of the ballots was resumed.

Mr. TEVLIN. Mr. Zemansky, will you produce the envelopes containing the ballots in the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eleventh precincts of the Twenty-ninth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Mr. TEVLIN. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?

A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

## FIRST PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the first precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 75 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 75 ballots offered by contestee 67 are unobjectionable ballots. This offer, however, includes 8 ballots—numbered 58, 117, 64, 86, 48, 126, 78, and 60—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 6 ballots on which Costley is voted for; 1 ballot, No. 108, on which both Costley and Livernash are voted for, and 8 ballots on which there is no vote for Representative in Congress.

There are 31 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 5 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 3, two crosses, amendment No. 2.

No. 82, two crosses opposite Cook, Republican.

No. 113, lead-pencil erasure, and the word "void" in lead pencil opposite Farnsworth, Democratic.

No. 65, a cross in the blank portion of column for Independent nominations under the name O'Donnell.

No. 94, two crosses opposite Angelotti, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 5 ballots, and claims that they should be counted for contestant.

## SECOND PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the second precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 81 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 81 ballots offered by contestee 66 are unobjectionable ballots. This offer, however, includes 15 ballots—numbered 7, 68, 160, 149, 62, 132, 88, 90, 163, 82, 159, 118, 44, 35, and 96—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 4 ballots on which Costley is voted for; 1 ballot on which Rowell is voted for; 1 ballot, No. 14, on which both Costley and Livernash are voted for, and 5 ballots on which there is no vote for Representative in Congress.

There are 63 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 16 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 26, a cross not in a voting square, amendment No. 1.

No. 19, two crosses opposite Kahn, Republican.

No. 151, two crosses opposite Shaw, Republican.

No. 28, two crosses opposite Collins, Republican.

No. 97, two crosses opposite Kahn, Republican.

No. 3, a cross opposite the title of office judges of the superior court.

No. 29, crosses not in voting squares, constitutional amendments.

No. 27, two crosses in the upper voting square of amendment No. 9.

No. 142, two crosses opposite Hebbard, Republican.

No. 145, two crosses opposite Andrew, Republican.

No. 126, two crosses opposite Sullivan, Democratic.

No. 156, two crosses in the upper voting square of amendment No. 2.

No. 157, two crosses opposite Dockweiler, Democratic.

No. 46, a cross in the right-hand margin of the ballot.

No. 99, two crosses opposite Woods, Republican.

No. 60, the voter has indicated his choice in pencil, and there is a pencil mark opposite the name Kahn, Republican. This ballot is indorsed "Void."

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 16 ballots, and claims that they should be counted for contestant.

## THIRD PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the third precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 124 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 124 ballots offered by contestee 99 are unobjectionable ballots. This offer, however, includes 25 ballots—numbered 212, 106, 3, 25, 122, 147, 112, 17, 42, 30, 49, 101, 52, 107, 102, 96, 104, 91, 88, 65, 10, 176, 202, 222, and 67—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 7 ballots on which Costley is voted for; 1 ballot, No. 170, on which both Costley and Livernash are voted for, and 5 ballots on which there is no vote for Representative in Congress.

There are 69 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 19 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 34, identifying marks opposite Curry and Van Nostrand, Republican.

No. 109, identifying mark in purple ink in the column for Independent nominations.

No. 115, identifying marks in purple ink in the blank portion of the Union Labor column; identifying mark in lower voting square of amendment No. 1.

No. 88, two crosses opposite Hunt, Republican.

No. 57, identifying marks in right margin of ballot, opposite the lower voting square of amendment No. 2.

No. 2, crosses opposite McClellan, Republican.

No. 35, identifying mark in purple ink in the blank portion of Socialist column, and identifying marks in the right margin of ballot.

No. 164, identifying mark opposite Barduhn, and an attempted erasure opposite Barduhn, Socialist.

No. 205, the name "H. T. Gage" written under the title "For governor," in the blank column, and a cross stamped after said name.

No. 130, identifying mark opposite Webb, Republican.

No. 223, two crosses opposite Reeves, Republican.

No. 161, a cross over the title of office "For lieutenant governor," Republican.

No. 151, identifying mark opposite Pardee, Republican.

No. 154, two crosses opposite Van Nostrand, Republican.

No. 23, a cross in the lower blank portion of column for Independent nominations.

No. 136, a cross on the line dividing the voting squares opposite Reeves and Webb, and two crosses opposite Webb, Republican.

No. 72, identifying mark opposite Lane, Democratic.

No. 179, a cross in the blank portion of Prohibition column.

No. 225, identifying mark in the upper voting square of Amendment No. 8.

No. 41, identifying marks in purple ink on the back of the ballot.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 19 ballots, and claims that they should be counted for contestant.

#### FOURTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 117 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 117 ballots offered by contestee 107 are unobjectionable ballots. This offer, however, includes 10 ballots—numbered 182, 22, 17, 200, 164, 31, 179, 124, 128, and 177—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 6 ballots on which Costley is voted for; 3 ballots on which Rowell is voted for; 3 ballots, Nos. 20, 117, and 211, on which both Kahn and Livernash are voted for; 1 ballot, No. 213, on which both Costley and Livernash are voted for; and 4 ballots on which there is no vote for Representative in Congress.

There are 55 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 21 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 178, identifying mark opposite Daniels, Republican.

No. 141, identifying mark opposite Shannon, Republican.

No. 91, identifying mark in the voting square opposite Pardee, Republican.

No. 171, identifying mark, to wit, an ink blot over the name Harkness, Democrat.

No. 36, a cross not in a voting square, amendment No. 2.

No. 207, identifying mark in the lower voting square of amendment No. 1.

No. 59, a blot in the blank portion of the Socialist column.

No. 159, a cross not in a voting square, amendment No. 8.

No. 195, a cross not in a voting square, amendment No. 4.

No. 166, two crosses opposite Daniels, Republican.



- No. 183, a cross not in a voting square, amendment No. 1.
- No. 119, two crosses opposite Daniels, Republican.
- No. 202, identifying mark in the lower square of amendment No. 1.
- No. 46, crosses opposite titles judges of the superior court and justices of the peace, Republican.
- No. 56, two crosses opposite Koeh, Republican.
- No. 66, crosses not in voting squares, amendments Nos. 8 and 9.
- No. 156, two crosses opposite McClelland, Republican.
- No. 147, two crosses opposite Woods, Republican.
- No. 118, identifying mark in lead pencil opposite Brown, Republican.
- No. 13, a cross opposite titles of offices judges of superior court and justices of the peace, Republican.
- No. 50, crosses not in voting squares, amendments.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 21 ballots, and claims that they should be counted for contestant.

#### FIFTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 110 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 110 ballots offered by contestee 97 are unobjectionable ballots. This offer, however, includes 13 ballots—numbered 88, 47, 113, 14, 132, 25, 7, 29, 27, 11, 26, 60, and 41—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 11 ballots on which Costley is voted for, 1 ballot, No. 154, on which Rowell and Livernash are voted for, and 7 ballots on which there is no vote for Representative in Congress.

There are 34 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 13 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 83, identifying mark in the upper voting square of amendment No. 1; attempted erasure in said square.

No. 98, a cross to the left of the name Langdon, Union Labor.

No. 36, identifying mark opposite the name Braunhart, Democratic.

No. 28, two crosses opposite Van Nostrand, Republican.

No. 92, two crosses, amendment No. 8.

No. 55, two crosses opposite Kirk, Republican.

No. 81, two crosses opposite Shannon and Webster, Republican, and Alford, Democratic.

No. 80, erasure opposite Woods, Republican.

No. 125, crosses opposite titles of offices judges of the superior court and justices of the peace, Republican.

No. 155a (so marked for identification), identifying mark opposite Hebbard, Republican.

No. 165, two crosses opposite Braunhart, Democratic.

No. 71, a cross in the lower margin, under the Republican column.

No. 152, two crosses opposite Hunt, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 13 ballots, and claims that they should be counted for contestant.

#### SIXTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 90 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 90 ballots offered by contestee 81 are unobjectionable ballots. This offer, however, includes 9 ballots—numbered 94, 139, 59, 72, 147, 120, 86, 15, and 8—objected to by contestant on the production of his

evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 5 ballots on which Costley is voted for, and 4 ballots on which there is no vote for Representative in Congress.

There are 42 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 13 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 62, punctures in the upper blank portion of the Union Labor ticket.

No. 39, two crosses opposite Finn, Democratic.

No. 96, a cross not in a voting square below Shaw, Republican.

No. 98, two crosses opposite Hebbard, Republican.

No. 31, crosses on lines dividing the voting squares opposite Cook and McClellan and Van Nostrand and Collins, Republican.

Mr. DIBBLE. It is submitted that this is not a valid objection under any law or decision of the State of California

Mr. TEVLIN (continuing). No. 84, two crosses opposite McClellan, Republican.

No. 146, a cross not in a voting square, amendment No. 4.

No. 58, two crosses opposite Pardee, Republican.

No. 67, identifying mark in lower voting square of amendment No. 6; erasure in said square.

No. 126, two crosses in the lower voting square of amendment No. 8.

No. 13, identifying mark opposite Finn; attempted erasure opposite Finn, Democratic.

No. 102, two crosses opposite Lawson and Kent, Democratic.

No. 45, identifying mark on line dividing the square opposite Beatty and the space for title of office "Associate justices of the supreme court," Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 13 ballots and claims that they should be counted for contestant.

#### SEVENTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventh precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 122 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 122 ballots offered by contestee 106 are unobjectionable ballots. This offer, however, includes 16 ballots—numbered 104, 37, 93, 11, 175, 148, 49, 85, 126, 7, 89, 185, 96, 62, 162, and 61—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 5 ballots upon which Costley is voted for; 3 ballots, Nos. 170, 140, and 64, on which both Costley and Livernash are voted for; 2 ballots on which there is no vote for Representative in Congress, and 3 ballots, numbered 107, 104122 (which is the original printed number of the ballot), and 11, mutilated.

There are 33 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 18 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 28, two crosses opposite Andrew, Republican.

No. 16, two crosses in the upper voting square of amendment No. 6.

No. 67, identifying mark in upper voting square of amendment No. 9, and two crosses opposite Dunn, Republican.

No. 57, two crosses opposite Webb and Webster, Republican.

No. 59, two crosses opposite Kahn, Republican.

No. 73, three or more crosses in the voting square opposite Finn, Union Labor; a cross in the upper margin over the heading "Socialist ticket."

No. 100, identifying marks in voting squares opposite Holcomb, Wilson, and Lawson, Democratic.

No. 118, two crosses in the upper voting squares of amendments Nos. 8 and 9.

No. 155, crosses not in voting squares, constitutional amendments.

No. 15, two crosses opposite Finn, Union Labor; two crosses in the lower voting square of amendment No. 8.

- No. 127, a cross not in a voting square opposite amendment No. 8.
- No. 177, identifying marks opposite Kirk and Beatty, Republican.
- No. 5, two crosses opposite Jordan, Republican.
- No. 170, two crosses opposite Hunt, Republican.
- No. 8, two crosses opposite Colgan, Republican.
- No. 103, two crosses opposite Collins, Republican.
- No. 143, identifying marks opposite Woodman and Lawson, Democratic.
- No. 55, two crosses opposite Reeves, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 18 ballots, and claims that they should be counted for contestant.

#### EIGHTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 88 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 88 ballots offered by contestee 71 are unobjectionable ballots. This offer, however, includes 17 ballots—numbered 96, 26, 136, 122, 74, 126, 85, 18, 66, 127, 162, 138, 30, 57, 154, 137, and 3—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 7 ballots upon which Costley is voted for; 1 ballot, No. 25, on which both Costley and Livernash are voted for; 2 ballots, Nos. 60 and 125, upon which both Kahn and Livernash are voted for, and 7 ballots on which there is no vote for Representative in Congress.

There are 39 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 18 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 43, a cross opposite the title of office justices of the peace; identifying marks opposite Collins, Republican.

No. 108, a cross after the titles of offices judges of the superior court and justices of the peace, Republican,

No. 88, a blot in the lower left-hand corner of ballot.

No. 146, a cross opposite titles of offices associate justices of the supreme court and judges of the superior court; three crosses opposite Collins, Republican.

No. 54, identifying mark in the lower voting square of amendment No. 2; attempted erasure in said square.

No. 67, identifying mark opposite Braunhart, Democratic.

No. 61, two crosses opposite Hunt, Republican; a cross in the upper right-hand corner of ballot.

No. 24, identifying mark after Brown, Republican.

No. 49, two crosses, amendment No. 6; two crosses opposite Sullivan, Democratic.

No. 40, two crosses opposite Finn, Democratic.

No. 7, crosses not in voting squares, amendments Nos. 1 and 2.

No. 148, a cross opposite the title of office justices of the peace, Republican.

No. 110, identifying marks in ink in the Socialist column, column for Independent nominations, and blank column.

No. 91, two crosses opposite Pardee, Republican.

No. 52, identifying mark opposite Finn, Democratic.

No. 129, two crosses opposite Collins, Republican.

No. 1, a cross over the heading "Democratic ticket;" identifying mark opposite Kahn, Republican.

No. 75, three crosses in the upper left-hand corner of ballot.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 18 ballots and claims that they should be counted for contestant.

#### NINTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the ninth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 137 ballots upon which Mr. Livernash has been voted for.



Mr. DIBBLE. Contestant admits that of the 137 ballots offered by contestee 114 are unobjectionable ballots. This offer, however, includes 23 ballots—numbered 165, 110, 116, 98, 90, 52, 102, 178, 125, 111, 19, 126, 190, 2, 161, 142, 76, 40, 84, 73, 3, 46, and 41—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 4 ballots on which Costley is voted for; 1 ballot on which Rowell is voted for; 1 ballot, No. 158, on which both Costley and Livernash are voted for, and 7 ballots on which there is no vote for Representative in Congress.

There are 48 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 14 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding.

The numbers of these ballots and the grounds of the objections to them are as follows:

- No. 175, identifying mark opposite Kahn, Republican.
- No. 127, two crosses opposite Pardee, Republican.
- No. 107, two crosses opposite Pardee, Republican.
- No. 22, identifying mark in purple ink in the blank portion of the Union Labor column.
- No. 35, the voter has indicated his choice in pencil.
- No. 8, two crosses opposite Kahn, Republican.
- No. 77, two crosses opposite Koch, Republican.
- No. 57, identifying mark opposite Shannon, Republican.
- No. 101, identifying mark—waving line in ink on the right-hand margin of the ballot.
- No. 103, identifying marks opposite Curry and Woods, Republican.
- No. 17, identifying mark opposite Pardee, Republican.
- No. 93, identifying mark opposite Shaw, Republican.
- No. 133, identifying mark in purple ink in the lower right-hand corner of ballot.
- No. 144, two crosses opposite Webster, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 14 ballots, and claims that they should be counted for contestant.

#### TENTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the tenth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 133 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 133 ballots offered by contestee, 116 are unobjectionable ballots. This offer, however, includes 17 ballots—numbered 106, 171, 14, 36, 63, 40, 182, 17, 109, 179, 67, 199, 155, 178, 180, 177, and 135—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 8 ballots on which Costley is voted for; 1 ballot, No. 204, on which both Costley and Livernash are voted for; and 11 ballots on which there is no vote for Representative in Congress.

There are 39 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 12 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

- No. 88, two crosses opposite Lindsay, Democratic.
- No. 9, identifying mark opposite Kahn, Republican.
- No. 41, identifying marks opposite amendment No. 1.
- No. 64, two crosses opposite Koch, Republican.
- No. 72, a cross to the left of the name Livingston Jenks, Democratic.
- No. 142, two crosses opposite Shannon, Republican.
- No. 78, identifying mark in the upper voting square of amendment No. 3.
- No. 119, identifying mark opposite Collins, Republican.
- No. 152, identifying mark opposite Pardee, Republican.
- No. 166, a cross opposite the title of office judges of the superior court, Republican.
- No. 203, two crosses in the upper voting square of amendment No. 9; identifying marks opposite Pardee and Anderson, Republican.

No. 184, two crosses opposite Kahn, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 12 ballots, and claims that they should be counted for contestant.

# ELEVENTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eleventh precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 113 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 113 ballots offered by contestee, 98 are unobjectionable ballots. This offer, however, includes 15 ballots—numbered 91, 127, 17, 164, 46, 102, 150, 163, 93, 112, 204, 2, 125, 83, and 96—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 8 ballots upon which Costley is voted for; 1 ballot, No. 40, on which both Costley and Livernash are voted for; 1 ballot, No. 176, on which both Kahn and Livernash are voted for, and 4 ballots on which there is no vote for Representative in Congress.

There are 59 ballots on which Mr. Kahn is voted for to which contestee makes no objection. There are 18 ballots to which contestee makes the objection that they are illegal and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 3, a lead-pencil mark resembling the figure 7 in the right-hand margin of ballot, opposite amendment No. 9.

No. 166, identifying marks in purple ink in the blank portion of the Socialist column.

No. 129, identifying marks in the lower voting squares of amendments Nos. 1 and 2; attempted erasures in each of said squares.

No. 97, two crosses opposite Curry, Republican.

No. 120a (so marked for identification), identifying mark, to wit, an erasure opposite Farnsworth, Democratic; also an identifying mark opposite Holcomb, Democratic.

No. 168, two crosses in the upper voting square of amendment No. 8.

No. 28, two crosses opposite McClellan, Republican.

No. 71, two crosses opposite Fritz, Democratic.

No. 135, a cross not in a voting square, amendment No. 1.

No. 22, identifying mark in the upper voting square of amendment No. 6.

No. 196, two crosses opposite Webster, Republican.

No. 200 (so marked for identification), identifying mark, to wit, erasure in the voting square opposite Woodman, Democratic.

No. 123, two crosses in the upper margin of ballot over the Democratic column.

No. 160, two crosses opposite Reeves, Republican.

No. 32, identifying marks opposite Woods and Shaw, Republican.

No. 201, two crosses opposite amendment No. 1.

No. 203, identifying mark opposite Kahn, Republican.

No. 181, a cross in the right-hand margin of ballot opposite amendment No. 5.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 18 ballots, and claims that they should be counted for contestant.

Here a recess was taken until 2 o'clock p. m.

2 O'CLOCK P. M.

The inspection of the ballots was resumed.

Mr. TEVLIN. Mr. Zemansky, will you produce the envelopes containing the ballots in the twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, and twentieth precincts of the Twenty-ninth assembly district and of the first precinct of the Thirtieth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Mr. TEVLIN. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?

A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed and the seals have not been broken.

## TWELFTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twelfth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 97 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 97 ballots offered by contestee, 77 are unobjectionable ballots. This offer, however, includes 20 ballots—numbered 5, 150, 87, 135, 50, 80, 97, 58, 33, 72, 70, 126, 131, 120, 121, 28, 37, 124, 55, and 3—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 3 ballots on which Costley has been voted for; 5 ballots on which there is no vote for Representative in Congress.

There are 36 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 16 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 43, identifying marks in purple ink in the blank column and in the Democratic column.

No. 130, two crosses opposite Daniels, Webb, and Woods, Republican.

No. 145, two crosses opposite Collins, Republican.

No. 146, two crosses opposite Reeves and Anderson, Republican.

No. 127, two crosses in the upper voting square of amendment No. 8.

No. 94, crosses opposite title of office justices of the peace, Republican.

No. 79, identifying mark in the upper voting square of amendment No. 9.

No. 57, two crosses opposite Hebbard, Republican.

No. 71, identifying mark opposite McClellan, Republican.

No. 113, crosses opposite titles of offices judges of the superior court and justices of the peace, Republican.

No. 112, identifying mark opposite Guilfoyle, Union Labor.

No. 23, two crosses opposite Collins, Republican.

No. 105, two crosses opposite Jordan, Republican.

No. 99, cross after title of office justices of the peace, Republican.

No. 125, the name "Julius Kahn" is written in lead pencil under the title "For Representative in Congress, Fourth Congressional District," in the blank column, and there is a cross made with the voting stamp opposite the name of Julius Kahn on the Republican ticket.

No. 60, identifying mark opposite Anderson, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 16 ballots, and claims that they should be counted for contestant.

## THIRTEENTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the thirteenth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 140 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 140 ballots offered by contestee 117 are unobjectionable ballots. This offer, however, includes 23 ballots—numbered 201, 164, 143, 38, 59, 186, 188, 115, 86, 123, 126, 62, 72, 37, 144, 158, 111, 10, 205, 85, 33, 159, and 67—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 5 ballots on which Costley is voted for; 1 ballot, No. 171, on which both Kahn and Costley are voted for; 1 ballot, No. 105, on which both Kahn and Livernash are voted for, and 8 ballots on which there is no vote for Representative in Congress.

There are 38 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 13 ballots to which contestee makes the objection that they are illegal and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:



- No. 97, two crosses opposite Angelotti, Republican.
- No. 27, a cross in the left-hand margin of ballot opposite the title "For superintendent of public schools."
- No. 206, a cross to the left of the name Percy V. Long, Republican.
- No. 74, identifying mark opposite Brown, Republican.
- No. 200, a cross under amendment No. 1.
- No. 9, two crosses, amendment No. 2.
- No. 30, two crosses opposite Pardee, Republican.
- No. 152, there is an identifying mark in the voting square opposite the name Livernash; there is an erasure opposite the name Livernash, Democratic.
- No. 134, crosses in upper margin of ballot over the Democratic column.
- No. 44, identifying mark opposite Anderson, Republican.
- No. 60, three crosses opposite Fritz, Democratic.
- No. 28, two crosses opposite Anderson, Republican.
- No. 124, a cross in the blank portion of the Prohibition column.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 13 ballots, and claims that they should be counted for contestant.

#### FOURTEENTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourteenth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 154 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 154 ballots offered by contestee 125 are unobjectionable ballots. This offer, however, includes 28 ballots—numbered 165, 47, 154, 68, 137, 15, 150, 21, 111, 113, 93, 207, 6, 67, 40, 163, 108, 200, 44, 29, 57, 90, 97, 142, 52, 124, 109, and 98—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

The offer also includes ballot No. 30, which contestant submits is a ballot voted for both Kahn and Livernash, and was so offered by him on the production of his evidence in his case in chief. The ballot in question (No. 30), moreover, is voted in a manner not authorized by law.

Mr. TEVLIN. There are 7 ballots on which Costley is voted for and 5 ballots on which there is no vote for Representative in Congress.

There are 41 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 10 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

- No. 160, two crosses opposite Webb, Republican.
- No. 78, crosses opposite the titles of offices judges of the superior court and justices of the peace, Republican.
- No. 75, two crosses opposite Hebbard, Republican.
- No. 212, identifying mark opposite Sullivan, Democratic.
- No. 86, two crosses opposite Carroll, Democratic.
- No. 135, identifying mark opposite Pardee, Republican.
- No. 99, identifying mark opposite Hebbard, Republican.
- No. 88, identifying mark opposite Colgan, Republican.
- No. 22, two crosses opposite Alford, Democratic.
- No. 94, crosses in the blank portion of the Socialist column.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 10 ballots, and claims that they should be counted for contestant.

#### FIFTEENTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifteenth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 140 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 140 ballots offered by contestee 126 are unobjectionable ballots. This offer, however, includes 14 ballots—numbered 18, 20, 154, 165, 70, 7, 103, 113, 39, 101, 99, 25, 35, and 117, objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void

under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 1 ballot on which Costley is voted for; 1 ballot, No. 142, on which both Costley and Livernash are voted for, and 5 ballots on which there is no vote for Representative in Congress.

There are 33 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 12 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 111, two crosses opposite Brooks, Democratic.

No. 159, identifying mark opposite Jenks, Democratic, and writing in lead pencil in the blank portion of the Socialist column.

No. 141, a cross on the line dividing the voting squares opposite Shaw and Brown, Republican.

Mr. DIBBLE. It is submitted that this is not a valid objection under any law or decision of the State of California.

Mr. TEVLIN (continuing). No. 88, two crosses opposite Beatty, Republican.

No. 83, identifying marks in lead pencil in the voting squares.

No. 71, two crosses opposite Koch, Republican.

No. 163, lead pencil crosses in voting squares.

No. 166, identifying mark after McClellan, Republican.

No. 51, two crosses opposite Kirk, Republican.

No. 191, identifying mark opposite Collins, Republican.

No. 55, identifying mark in the lower voting square of amendment No. 2.

No. 175, two crosses opposite amendment No. 9.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 12 ballots, and claims that they should be counted for contestant.

#### SIXTEENTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixteenth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 136 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 136 ballots offered by contestee 105 are unobjectionable ballots. This offer, however, includes 31 ballots—numbered 197, 184, 180, 39, 109, 16, 138, 102, 103, 29, 101, 85, 116, 103, 106, 72, 59, 105, 160, 34, 133, 182, 7, 189, 195, 1, 43, 126, 37, 134, and 8—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 5 ballots on which Costley is voted for; 1 ballot, No. 194, on which both Costley and Livernash are voted for; 1 ballot, No. 190, on which both Kahn and Livernash are voted for, and 4 ballots on which there is no vote for Representative in Congress.

There are 38 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 14 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 194, a cross under the last word of amendment 9.

No. 175, there are crosses opposite titles of offices judges of the superior court and justices of the peace, Republican, and identifying marks in the upper voting square of amendment No. 2 and lower voting square of amendment No. 3.

No. 163, a cross not in a voting square, amendment 8.

No. 193, two crosses opposite Pardee, Republican.

No. 42, two crosses opposite Angelotti, Republican.

No. 24, cross not in a voting square, amendment No. 9.

No. 161, identifying mark opposite Kahn, Republican; identifying mark opposite White, Union Labor.

No. 76, identifying marks in right margin of ballot.

No. 130, two crosses opposite Woodman, Democratic.

No. 128, two crosses opposite Carroll, Democratic.

No. 63, identifying mark opposite Anderson, Republican.

No. 172, identifying mark opposite Pardee, Republican.

No. 185, identifying mark opposite Dunn, Republican.

No. 68, two crosses opposite Colgan, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 14 ballots, and claims that they should be counted for contestant.

#### SEVENTEENTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventeenth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 133 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 133 ballots offered by contestee 106 are unobjectionable ballots. This offer, however, includes 27 ballots—numbered 126, 23, 138, 15, 127, 117, 5, 151, 114, 18, 134, 147, 141, 169, 90, 185, 83, 68, 21, 176, 51, 1, 153, 64, 179, 116, and 8—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 4 ballots on which Costley is voted for; 1 ballot on which Rowell is voted for; 1 ballot, No. 43, on which both Kahn and Livernash have been voted for; 1 ballot, No. 91, on which both Costley and Livernash have been voted for, and 5 ballots on which there is no vote for Representative in Congress.

There are 36 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 7 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 74, two crosses opposite Van Nostrand, Republican.

No. 88, two crosses opposite Collins, Republican.

No. 187, two crosses opposite Colgan and an identifying mark opposite Kahn, Republican.

No. 155, identifying mark after Finn and an attempted erasure after Finn, Democratic.

No. 72, two crosses opposite Shaw, Republican; identifying mark, amendment No. 1.

No. 161, two crosses, amendment No. 2.

No. 35, two crosses opposite Koch, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 7 ballots, and claims that they should be counted for contestant.

#### EIGHTEENTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighteenth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 127 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 127 ballots offered by contestee 101 are unobjectionable ballots. This offer, however, includes 26 ballots—numbered 98, 122, 177, 94, 143, 133, 102, 179, 1, 68, 145, 76, 62, 184, 8, 2, 138, 150, 57, 63, 129, 89, 21, 56, 127, and 183—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There is 1 ballot on which Rowell is voted for; 1 Costley, and 3 ballots on which there is no vote for Representative in Congress.

There are 31 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 22 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 155, identifying mark in the lower voting square of amendment No. 2.

No. 7, identifying mark in the upper voting square of amendment No. 5.

No. 39, identifying mark opposite Pardee, Republican.

No. 125, identifying mark opposite Pardee, Republican.



No. 167, identifying mark opposite Cook; two crosses opposite Hebbard, Republican.  
 No. 37, identifying mark in the lower voting square of amendment No. 2; group of blots in the Republican column.

No. 91, two crosses opposite Dunne, Democratic.

No. 41, cross opposite title of office judges of the superior court, Republican.

No. 78, two crosses in the lower voting square of amendment No. 8.

No. 175, identifying marks in the lower voting square of amendment No. 1 and upper voting square of amendment No. 2; identifying mark opposite Daniels, Republican.

No. 51, identifying mark in the lower voting square of amendment No. 1.

No. 13, two crosses opposite Pardee, Republican.

No. 147, identifying mark opposite Collins, Republican.

No. 70, two crosses opposite Hebbard, Republican.

No. 113, identifying mark in the upper voting square of amendment No. 1.

No. 23, identifying mark in the lower voting square of amendment No. 7.

No. 115, two crosses opposite Pardee and Beatty, Republican; two crosses, amendment No. 4.

No. 137, identifying mark opposite Guilfoyle, Union Labor.

No. 34, two crosses in the lower voting square of amendment No. 8.

No. 176, a cross in the right-hand corner of ballot.

No. 83, identifying mark in the upper voting square of amendment No. 5.

No. 67, two crosses opposite Webster, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 22 ballots, and claims that they should be counted for contestant.

#### NINETEENTH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the nineteenth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 104 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 104 ballots offered by contestee 82 are unobjectionable ballots. This offer, however, includes 22 ballots—numbered 97, 100, 58, 46, 108, 98, 93, 17, 33, 25, 7, 38, 8, 30, 114, 71, 66, 62, 85, 106, 110, and 137—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 2 ballots on which Costley is voted for, and 8 ballots on which there is no vote for Representative in Congress.

There are 26 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 9 ballots to which contestee makes the objection that they are illegal and void; that none of them should have been counted for Mr. Kahn and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 45, identifying mark in the upper voting square of amendment No. 9.

No. 4, crosses opposite titles of offices judges of the superior court and justices of the peace, Republican.

No. 32, identifying mark opposite Beatty, Republican.

No. 11, two crosses opposite Webster, Republican.

No. 6, identifying mark opposite Van Nostrand, Republican.

No. 43, two crosses opposite Whitney, Socialist.

No. 65, two crosses opposite Reeves, Webb, and Woods, Republican.

No. 67, two crosses opposite Kahn, Republican.

No. 147, identifying mark in the upper voting square of amendment No. 5.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 9 ballots, and claims that they should be counted for contestant.

#### TWENTIETH PRECINCT, TWENTY-NINTH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twentieth precinct of the Twenty-ninth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 115 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 115 ballots offered by contestee 100 are unobjectionable ballots. This offer, however, includes 15 ballots—numbered 164, 29, 115, 59, 120, 141, 5, 31, 63, 90, 129, 160, 57, 6, and 111—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 2 ballots on which Costley is voted for, and 10 ballots on which there is no vote for Representative in Congress.

There are 30 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 7 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 123, the voter has not indicated his choice with the voting stamp.

No. 65, cross not in a voting square, amendment No. 8.

No. 10, identifying mark over the word "Yes," opposite amendment No. 9, and two crosses opposite Van Nostrand, Republican.

No. 60, two crosses opposite Dunn, Republican.

No. 162, a cross in the lower right-hand corner of ballot.

No. 132, identifying marks in purple ink on the back of the ballot.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 7 ballots, and claims that they should be counted for contestant.

#### FIRST PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the first precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 85 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 85 ballots offered by contestee 71 are unobjectionable ballots. This offer, however, includes 14 ballots—numbered 79, 56, 151, 162, 71, 124, 163, 111, 63, 1, 144, 77, 100, and 23—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 9 ballots on which Mr. Costley is voted for, 1 ballot on which Mr. Rowell is voted for, and 11 ballots on which there is no vote for Representative in Congress.

There are 61 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 13 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 173, erasure opposite Brauhart, Democratic.

No. 87, identifying marks in the right margin of the ballot opposite amendments Nos. 1 and 2.

No. 140, cross not in a voting square, amendment No. 1.

No. 89, identifying mark opposite Long, Republican.

No. 133, identifying mark opposite Lawson, Democratic.

No. 72, identifying marks opposite Kahn, Republican.

No. 104, identifying mark in left margin of ballot.

No. 122, identifying mark opposite Kahn; two crosses in the voting square opposite Kahn, Republican.

No. 174, the voter has not indicated his choice with the voting stamp.

No. 7, a cross opposite the title of office judges of the superior court.

No. 118, two crosses after Dunn, Republican.

No. 115, two crosses opposite Pardee, Republican.

No. 35, two crosses opposite Curry, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 13 ballots, and claims that they should be counted for contestant.

Here an adjournment was taken until April 10, 1903, at 9 o'clock a. m.

APRIL 10, 1903—9 o'clock a. m.

The inspection of the ballots was resumed.

Mr. TEVLIN. Mr. Zemansky, will you produce the envelopes containing the ballots in the second, third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth precincts of the Thirtieth assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Mr. TEVLIN. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?

A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

## SECOND PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the second precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 121 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 121 ballots offered by contestee 107 are unobjectionable ballots. This offer, however, includes 14 ballots—numbered 192, 78, 89, 44, 18, 132, 45, 85, 88, 167, 71, 187, 198, and 202—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 3 ballots on which Costley is voted for; 2 ballots, Nos. 29 and 57, on which both Costley and Livernash are voted for, and 3 ballots on which there is no vote for Representative in Congress.

There are 67 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 8 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 153, a blot in the Republican column.

No. 32, two crosses opposite McClellan, Republican.

No. 26, erasure in the lower voting square of amendment No. 1.

No. 97, two crosses opposite Koch, Republican.

No. 146, erasure opposite Woods, Republican.

No. 145, two crosses opposite Pardee, Republican.

No. 119, identifying mark, ink lines in the column for Independent nominations.

No. 106, identifying mark in purple ink in the blank portion of the Union Labor column.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 8 ballots, and claims that they should be counted for contestant.

## THIRD PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the third precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 124 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 124 ballots offered by contestee 108 are unobjectionable ballots. This offer, however, includes 16 ballots—numbered 25, 10, 17, 114, 8, 181, 72, 137, 79, 96, 94, 172, 224, 84, 86, and 204—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There is 1 ballot on which Rowell is voted for, there are 4 ballots on which Costley is voted for, and 1 ballot on which there is no vote for Representative in Congress.

There are 75 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 24 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:



- No. 83, pencil mark in front of and over the name Van Nostrand, Republican.  
 No. 187, a cross in the right-hand margin of the ballot opposite amendment No. 4.  
 No. 4, crosses not in voting squares, constitutional amendments.  
 No. 176, pencil mark in the upper voting square of amendment No. 8.  
 No. 97, erasure opposite Dunne, Democratic.  
 No. 228, a cross to the left of the name Pardee; identifying mark in the voting square opposite Pardee, Republican; identifying marks opposite Braunnhart and Langdon, Democratic.  
 No. 221, identifying mark in purple ink over the name Lane, Democratic.  
 No. 115, identifying mark opposite Long, Republican.  
 No. 51, two crosses opposite Kirk, Republican.  
 No. 160, identifying mark, amendment No. 5.  
 No. 82, identifying mark opposite Pardee, Republican.  
 No. 40, two crosses opposite Fritz, Democratic.  
 No. 45, identifying mark in the upper voting square of amendment No. 7.  
 No. 24, erasure in the voting square opposite Livernash, Democratic.  
 No. 141, two crosses opposite Koch and Van Nostrand, Republican.  
 No. 108, two crosses opposite Van Nostrand, Republican.  
 No. 31, cross to the left of Pardee, Republican.  
 No. 11, identifying mark in the lower voting square of amendment No. 9.  
 No. 73, two crosses opposite Curry, Republican.  
 No. 156, identifying mark in the voting square opposite Kirk, Republican.  
 No. 12, identifying mark in the voting square opposite Beatty, Republican, and Guilfoyle, Democratic.  
 No. 27, identifying mark in purple ink, Democratic column.  
 No. 192, identifying mark opposite Woods, Republican.  
 No. 175, identifying mark in the lower voting square of amendment No. 1 and an attempted erasure in said square.  
 Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 24 ballots, and claims that they should be counted for contestant.

#### FOURTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 132 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 132 ballots offered by counsel for contestee 104 are unobjectionable ballots. This offer, however, includes 28 ballots—numbered 15, 10, 2, 140, 16, 118, 183, 100, 130, 30, 188, 162, 180, 164, 209, 160, 144, 79, 124, 120, 127, 176, 89, 152, 189, 186, 177, and 109—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 5 ballots on which Costley is voted for, and 4 ballots on which there is no vote for Representative in Congress.

There are 56 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 22 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

- No. 53, identifying mark opposite Farnsworth, Democratic, and in the upper voting square of amendment No. 1.  
 No. 159, identifying mark opposite Lane, Democratic.  
 No. 196, identifying mark opposite Lawler, Republican.  
 No. 58, two crosses opposite Shaw, Republican.  
 No. 41, identifying marks opposite Holcomb, Wilson, and Braunnhart, Democratic, and in the lower voting square of amendment No. 6.  
 No. 101, the word "No" in pencil in the lower voting square of amendment No. 6.  
 No. 171, two crosses opposite Long, Republican; identifying marks in the right-hand margin of ballot.  
 No. 57, identifying marks in purple ink in blank column and column for constitutional amendments.  
 No. 52, identifying mark in the voting square opposite Holcomb, Democratic.  
 No. 28, two crosses opposite Long, Republican.

- No. 19, a cross not in a voting square, amendment No. 8.
- No. 40, a cross in the lower right-hand corner of the ballot.
- No. 72, erasure, or attempted erasure, opposite Hunt, Republican.
- No. 163, identifying mark opposite Livernash, Union Labor.
- No. 193, identifying mark opposite Harkness, Democratic. An attempted erasure in said square. Identifying marks in purple ink, Union Labor column.
- No. 205, two crosses opposite Kahn, Republican. Identifying marks in purple ink on back of ballot.
- No. 118, a cross in the blank portion of Prohibition column.
- No. 194, identifying marks in the voting squares opposite Pardee and Anderson, Republican.
- No. 75, two crosses opposite Trask, Democratic.
- No. 80, identifying mark in the voting square opposite McMahon, Democratic.
- No. 152, crosses opposite titles of offices judges of the superior court and justices of the peace, Republican.
- No. 145, identifying mark opposite Pardee, Republican.
- MR. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 22 ballots, and claims that they should be counted for contestant.

#### FIFTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

MR. TEVLIN. There are 94 ballots upon which Mr. Livernash has been voted for.

MR. DIBBLE. Contestant admits that of the 94 ballots offered by contestee 75 are unobjectionable ballots. This offer, however, includes 19 ballots—numbered 126, 71, 68, 81, 14, 28, 168, 34, 108, 29, 154, 133, 147, 6, 3, 22, 5, 31, and 142—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

MR. TEVLIN. There are 4 ballots on which Costley is voted for; 1 ballot, No. 56, on which both Costley and Kahn are voted for; 2 ballots, Nos. 11 and 4, on which both Costley and Livernash are voted for; and 10 ballots on which there is no vote for Representative in Congress.

There are 54 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 20 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

- No. 166, identifying marks opposite Livernash and Sullivan, Democratic.
- No. 24, two crosses opposite Reeves, Republican.
- No. 185, crosses opposite titles of offices judges of the superior court and justices of the peace, Republican.
- No. 23, identifying mark opposite O'Donnell, Independent.
- No. 65, identifying mark in purple ink in the blank portion of the Union Labor column.
- No. 59, identifying mark to the left of Pardee—attempted erasure to the left of said name—Republican.
- No. 40, identifying mark in purple ink on the back of the ballot.
- No. 96, identifying mark in the upper margin over the Democratic heading.
- No. 146, identifying mark opposite Beatty, Republican.
- No. 145, cross opposite title of office judges of the superior court, Republican.
- No. 103, identifying marks in purple ink in the Independent and Union Labor columns.
- No. 53, two crosses opposite Woods, Republican.
- No. 1, crosses not in voting squares, amendments Nos. 5 to 9.
- No. 75, two crosses opposite Pardee, Republican.
- No. 15, two crosses opposite Cook and McClellan, Republican.
- No. 163, two crosses opposite Koch, Republican.
- No. 115, a cross not in a voting square, amendment No. 1.
- No. 152, two crosses upper voting square of amendment No. 8.
- No. 79, identifying mark, to wit, an attempted erasure opposite Sullivan, Democratic.
- No. 114, a cross on the line dividing the voting square opposite Van Nostrand and Lawler, Republican.

Mr. DIBBLE. It is submitted that this is not a valid objection under any law or decision of the State of California.

Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 20 ballots, and claims that they should be counted for contestant.

#### SIXTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 124 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 124 ballots offered by contestee 98 are unobjectionable ballots. This offer, however, includes 21 ballots, numbered 19, 112, 50, 90, 154, 211, 135, 190, 48, 58, 193, 192, 203, 103, 73, 92, 57, 37, 12, 36, and 144, objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

The offer also includes 5 ballots, numbered 151, 62, 24, 34, and 99, offered by contestant in his case in chief as ballots evidently rejected by the election board. These ballots were strung in a separate bundle from the other ballots in the district. The objections to these ballots are:

No. 151, two crosses in the voting square after the name Braunnhart, Democratic.

No. 62, crosses after the titles of offices in the Democratic column.

No. 24, crosses after the titles of offices in the Union Labor column.

No. 34, crosses after the titles of offices in the Union Labor column.

No. 99, crosses after the titles of offices in the Union Labor column.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 5 ballots should be counted as votes for Mr. Livernash.

There are 4 ballots on which Costley is voted for; 1 ballot, No. 21, on which both Kahn and Livernash are voted for; 2 ballots, Nos. 9 and 107, on which both Rowell and Livernash are voted for, and 9 ballots on which there is no vote for Representative in Congress.

There are 72 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 10 ballots to which contestee makes the objections that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 66, the voter has indicated his choice in lead pencil.

No. 223, two crosses opposite Daniels, Republican.

No. 170, identifying mark opposite Hebbard; attempted erasure opposite Hebbard; identifying mark opposite Kahn, Republican.

No. 183, two crosses opposite Beatty, Republican.

No. 71, two crosses opposite Cook and Koch, Republican.

No. 18, two crosses opposite Koch, Republican.

No. 79, identifying mark in purple ink on the back of the ballot; identifying mark in the right-hand margin of ballot.

No. 5, two crosses opposite Webb, Republican.

No. 10, identifying mark in the upper voting square of amendment No. 6.

No. 111, identifying mark opposite Livernash, Democratic.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 10 ballots, and claims that they should be counted for contestant.

#### SEVENTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventh precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 122 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 122 ballots offered by contestee 106 are unobjectionable ballots. This offer, however, includes 16 ballots—numbered 151, 156, 135, 200, 63, 112, 45, 5, 22, 16, 118, 32, 207, 73, 203, and 33—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.



Mr. TEVLIN. There are 7 ballots on which Costley is voted for, 1 ballot on which Rowell is voted for, and 10 ballots on which there is no vote for Representative in Congress.

There are 54 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 22 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 202, a cross not in a voting square, amendment 8.

No. 184, two crosses opposite Jenks, Democratic.

No. 47, identifying mark, to wit, attempted erasure opposite Braunhart, Democratic, and two crosses in the upper voting square of amendment No. 7.

No. 101, two crosses opposite Daniels, Republican.

No. 121, two crosses opposite Lawler, Republican.

No. 37, two crosses in the upper voting square of amendment No. 1.

No. 76, identifying mark, to wit, an erasure opposite Cook, Republican.

No. 66, two crosses opposite Pardee, Republican.

No. 97, three crosses opposite amendment No. 6, in the right-hand margin of the ballot.

No. 67, two crosses opposite Kahn, Republican.

No. 8, two crosses opposite Woods and Daniels, Republican.

No. 95, two crosses in the upper voting square of amendment No. 9.

No. 109, a line of crosses in the right-hand margin of the ballot opposite amendment No. 3.

No. 57, identifying mark opposite Shaw, Republican.

No. 4, two crosses in the upper voting square of amendment No. 1.

No. 86, identifying mark opposite Lane, Democratic.

No. 113, identifying mark opposite Reeves, Republican.

No. 150, two crosses opposite Lane, Democratic.

No. 159, two crosses opposite Lane, Democratic.

No. 166, two crosses opposite Colgan, Republican.

No. 219, a cross opposite the title of office judges of the superior court, Republican.

No. 216, a group of crosses in the lower voting square of amendment No. 3, extending into the margin of the ballot.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 22 ballots, and claims that they should be counted for contestant.

#### EIGHTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 111 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 111 ballots offered by contestee 93 are unobjectionable ballots. This offer, however, includes 18 ballots—numbered 162, 89, 9, 135, 182, 79, 22, 112, 37, 161, 17, 144, 171, 92, 100, and 63—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 3 ballots on which Costley is voted for, 1 ballot—No. 77—on which both Costley and Livernash are voted for, and 4 ballots on which there is no vote for Representative in Congress.

There are 50 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 17 ballots to which contestee makes the objection that they are illegal and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 8, two crosses opposite Kahn, Republican.

No. 39, identifying mark opposite amendment No. 4.

No. 152, two crosses opposite Wilson, Democratic.

No. 147, two crosses opposite Lawler, Republican.

No. 11, identifying mark opposite Reeves, Republican.

No. 65, identifying marks opposite Brown and Daniels, Republican.

o. 95, two crosses opposite Hunt, Republican.

- No. 46, identifying mark opposite Fritz, Democratic.
- No. 69, identifying mark opposite Shaw, Republican.
- No. 87, identifying mark opposite Daniels, Republican.
- No. 66, identifying mark opposite Pardee, Republican.
- No. 145, crosses not in voting squares, amendments Nos. 1 to 8.
- No. 71, a cross opposite the titles of offices judges of the superior court and justices of the peace, Democratic.
- No. 131, identifying mark in the voting square opposite Brooks, Democratic.
- No. 120, identifying mark in the voting square opposite Fritz, to wit, an attempted erasure, Democratic.
- No. 114, identifying mark opposite Woods, Republican.
- No. 33, two crosses opposite Curry and Daniels, Republican.
- Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 17 ballots, and claims that they should be counted for contestant.

#### NINTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the ninth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 83 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 83 ballots offered by contestee 73 are unobjectionable ballots; but to the following 10 ballots contestant objects upon the ground that they are illegal and void under the laws and decisions of the State of California and should not be counted.

Mr. TEVLIN. Contestee objects to counsel for contestant noting any objections to ballots cast in this precinct on which there is a cross made by the voting stamp in the square opposite the name of Mr. Livernash, on the grounds—

First. That all such ballots which might be objected to, or to which counsel for contestant may assert any objection or objections to their being counted as votes for contestee, should have been produced by contestant as evidence in support of the allegations contained in his notice of contest and within the time limited by law for the production of such evidence, and should have been then objected to.

Second. That the time within which contestant could and should offer evidence as to invalid votes cast for contestee has expired.

And contestee makes the further objection that the proposed objections do not go to any matter alleged in the notice of contest herein, or to any fact in issue between the parties to this proceeding, in that it is not charged, either in the notice of contest or in the answer thereto, that any illegal or invalid ballots, or any ballots in any way objectionable, were either cast or counted for contestee in this precinct.

Mr. DIBBLE. The 10 ballots to which contestant objects are numbered 159, 122, 71, 56, 110, 78, 36, 92, 135, and 163, and the objections are as follows:

Nos. 159, 122, and 71, the name Livernash is voted for in both the Democratic and Union Labor columns.

No. 56, two crosses opposite Lawson, Democratic.

No. 110, a cross after the titles of offices, Union Labor column.

No. 78, a cross after the titles of offices in the Union Labor column, and the name Livernash voted for in both the Democratic and Union Labor columns.

No. 36, erasure after the name Langdon, Union Labor.

No. 92, a cross after the titles of offices, Union Labor column.

No. 135, the ballot is voted in lead pencil.

No. 163, the ballot is voted in a manner unauthorized by law, and the name Livernash is voted for in both the Democratic and Union Labor columns.

Mr. DIBBLE. Ballots Nos. 135 and 136 were not strung with the other ballots in the precinct.

Mr. TEVLIN. Contestee denies each and every objection taken by counsel for contestant, and claims that the said 10 ballots should be counted as votes for Mr. Livernash.

There are 3 ballots on which Costley is voted for; 2 ballots, Nos. 146 and 82, on which both Costley and Livernash are voted for; and 3 ballots on which there is no vote for Representative in Congress.

There are 71 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 11 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none

of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 93, identifying mark in ink in the upper left-hand corner of the ballot.

No. 86, identifying mark opposite Anderson, Republican, and in the lower voting square of amendment No. 8; and two crosses in the upper voting square of amendment No. 3.

No. 127, two crosses opposite Andrew, Republican.

No. 166, circular ink mark in the voting square opposite Lane, Democratic.

No. 42, identifying mark in the voting square opposite Kahn, Republican.

No. 70, two crosses opposite judges, Republican.

No. 20, identifying mark, to wit, a fine ink line opposite Daniels, Republican, and in the lower part of the Democratic column beginning with the name Sullivan.

No. 27, identifying mark opposite McMahon, Democratic.

No. 45, identifying marks in ink on the face of the ballot; identifying mark opposite Kahn, Republican.

No. 133, two crosses opposite Kahn, Republican.

No. 170, identifying mark, to wit, erasure, or attempted erasure, in the upper voting square of amendment No. 8.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 11 ballots, and claims that they should be counted for contestant.

#### TENTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the tenth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 118 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 118 ballots offered by contestee 103 are unobjectionable ballots. This offer, however, includes 15 ballots—numbered 213, 136, 58, 167, 77, 66, 176, 27, 164, 203, 154, 59, 107, 159, and 160—objected to by contestant on the production of his evidence in his case in chief which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 5 ballots on which Costley is voted for; 1 ballot, No. 153, on which both Kahn and Livernash are voted for, and 6 ballots on which there is no vote for Representative in Congress.

There are 67 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 16 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 177, identifying marks opposite Angelotti, Dunn, and Koch, Republican.

No. 148, identifying marks opposite Cook and McClellan, Republican.

No. 126, two crosses opposite Van Nostrand, Republican.

No. 158, two crosses in the lower voting square of amendment No. 9.

No. 35, identifying mark in the voting squares opposite Kahn, Cook, Koch, Republican.

No. 1, identifying mark in the upper voting square of amendment No. 8, to wit, an attempted erasure.

No. 179, two crosses opposite Angelotti, Republican.

No. 102, two crosses opposite Lawler, Republican.

No. 127, two crosses opposite Van Nostrand, Republican.

No. 138, two crosses opposite Webb, Republican.

No. 170, two crosses opposite Long, Republican.

No. 174, identifying mark after Baggett, Democratic, and after amendment No. 9.

No. 15, two crosses opposite Rosborough, Trask, and Fritz, Democratic.

No. 52, identifying mark, to wit, an attempted erasure in the lower voting square of amendment No. 1.

No. 91, 2 crosses opposite Reeves and Kirk, Republican.

No. 124, two crosses in the lower voting square of amendment No. 9; identifying mark opposite Van Nostrand, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 16 ballots and claims that they should be counted for contestant.

Here a recess was taken until 2 o'clock p. m.



2 O'CLOCK P. M.

The inspection of the ballots was resumed.

Mr. TEVLIN. Mr. Zemansky, will you produce the envelopes containing the ballots in the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, and twentieth precincts of the Thirtieth assembly district, and in the first, second, third, and fourth precincts of the Thirty-first assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Mr. TEVLIN. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?—A. Yes.

Q. What is their condition?—A. The envelopes are intact; they are duly sealed, and the seals have not been broken.

#### ELEVENTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eleventh precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 172 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 172 ballots offered by contestee 148 are unobjectionable ballots. This offer, however, includes 24 ballots—numbered 176, 86, 186, 102, 197, 94, 30, 61, 145, 11, 42, 56, 133, 76, 149, 153, 53, 39, 15, 172, 49, 106, 207, and 139—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 3 ballots on which Costley is voted for; 2 ballots, Nos. 10 and 123, on which both Costley and Kahn are voted for; 2 ballots, Nos. 218 and 31, on which both Costley and Livernash are voted for, and 7 ballots on which there is no vote for Representative in Congress.

There are 44 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 12 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 223, identifying mark opposite Lane, Democratic.

No. 215, two crosses opposite McMahon, Democratic.

No. 173, two crosses opposite Shannon; a cross in the voting square opposite Shannon and on the line dividing the voting squares opposite Shannon and Beatty, Republican.

No. 135, two crosses opposite Hebbard, Republican.

No. 201, crosses not in voting squares and on the ruled line dividing the Republican and Democratic tickets, opposite Reeves, Webb, Long, Koch, Van Nostrand, and Lawler, and two crosses in said square opposite Lawler, Republican.

No. 22, crosses opposite titles of offices in the Republican column.

No. 214, two crosses opposite Colgan, Republican.

No. 28, identifying mark, to wit, an attempted erasure in the lower voting square of amendment No. 5.

No. 140, cross after title justices of the peace and a cross under the heading "Republican ticket."

No. 112, identifying marks in the right-hand margin of the ballot opposite amendment No. 5.

No. 4, two crosses opposite Van Nostrand, Curry, and Colgan, Republican.

No. 36, identifying mark in the voting square opposite Shannon, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 12 ballots and claims that they should be counted for contestant.

#### TWELFTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twelfth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 105 ballots on which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 105 ballots offered by contestee 86 are unobjectionable ballots. This offer, however, includes 19 ballots—numbered 46, 84,

60, 42, 31, 73, 49, 4, 105, 94, 21, 61, 133, 98, 16, 53, 79, 29, and 88—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 8 ballots on which Costley is voted for, 2 ballots on which Rowell is voted for, 2 ballots, Nos. 100 and 121, on which both Costley and Livernash are voted for, and 14 ballots on which there is no vote for Representative in Congress.

There are 17 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 9 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 125, identifying mark in purple ink on the back of the ballot.

No. 124, identifying mark over the word "within," amendment No. 3.

No. 119, two crosses opposite Hunt, Republican.

No. 35, identifying mark in the voting square opposite Dunne, Democratic.

No. 27, two crosses opposite Cook, Republican, and amendment No. 8.

No. 90, the word "No" written in lead pencil in the lower voting square of amendment No. 8.

No. 89, a cross in the right-hand margin of ballot, opposite amendment No. 3.

No. 22, a cross on the line dividing the voting squares opposite Webb and Woods; two crosses in the voting square opposite Woods; a cross on the line dividing the voting squares opposite Kirk and Shannon; two crosses in the voting square opposite Shannon; a cross on the line dividing the voting squares opposite Kahn and Webster; two crosses in the voting square opposite Webster, Republican; crosses on the lines dividing the voting squares opposite the constitutional amendments.

No. 24, identifying mark in the voting square opposite Shannon; an attempted erasure in said square, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 9 ballots and claims that they should be counted for contestant.

### THIRTEENTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the thirteenth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 119 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 119 ballots offered by contestee 99 are unobjectionable ballots. This offer, however, includes 20 ballots—numbered 166, 135, 107, 169, 7, 13, 28, 52, 73, 89, 149, 152, 146, 80, 46, 21, 15, 161, 71, and 94—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 2 ballots on which Costley is voted for; 1 ballot, No. 112, on which Rowell and Livernash are both voted for, and 6 ballots on which there is no vote for Representative in Congress.

There are 42 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 15 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him on this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 70, identifying mark opposite title "For judges of the superior court," Republican.

No. 97, two crosses opposite Brown, Republican.

No. 104, two crosses opposite McClellan, Republican.

No. 84, a cross not in a voting square, amendment 8.

No. 134, two crosses opposite Walker, Socialist.

No. 101, two crosses opposite Anderson and Kirk, Republican.

No. 34, identifying mark, to wit, attempted erasure opposite Andrew, Republican.

No. 3, identifying mark in the voting square opposite Sullivan and two crosses in said square, Democratic.

No. 162, two crosses opposite Daniels, Republican.

No. 147, two crosses opposite Long, Republican.

No. 121, two crosses opposite Webster, Koch, and Lawler, Republican.

No. 124, two crosses opposite Wilson, Democratic.

No. 151, identifying mark opposite Webster, Republican.

No. 168, two crosses opposite Hunt, Republican.

No. 123, two crosses opposite Daniels, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 15 ballots and claims that they should be counted for contestant.

#### FOURTEENTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourteenth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 125 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 125 ballots offered by contestee 106 are unobjectionable ballots. This offer, however, includes 19 ballots—numbered 87, 119, 166, 146, 82, 104, 92, 127, 153, 177, 135, 208, 70, 163, 45, 150, 28, 215, and 217—objected to by contestant on the production of his evidence in his case in chief, which he claims are invalid and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 3 ballots on which Costley is voted for; 1 ballot, No. 83, on which both Kahn and Livernash are voted for; and 9 ballots on which there is no vote for Representative in Congress.

There are 65 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 17 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 129, identifying marks in the right-hand margin of the ballot.

No. 94, a cross not in a voting square, amendment 9.

No. 35, identifying mark opposite Lawson, Union Labor.

No. 190, two crosses in the upper voting squares of amendments Nos. 1, 2, 7, and 9; identifying marks in the voting square opposite Curry, Republican.

No. 195, two crosses opposite Beatty, Republican.

No. 98, crosses not in voting squares, amendments Nos. 8 and 9.

No. 152, identifying mark in the voting square opposite Beatty, Republican.

No. 155, two crosses opposite Jordan, Republican.

No. 100, a cross not in the voting square to the left of the name Franklin K. Lane, Democratic.

No. 36, two crosses opposite Lawson, Democratic.

No. 133, identifying mark in purple ink over the title "For governor."

No. 174, a cross opposite the title of office judges of the superior court, Republican.

No. 196, two crosses opposite Anderson and Curry, Republican.

No. 187, two crosses opposite Hebbard, Republican.

No. 97, two crosses opposite Shaw, Republican.

No. 197, lead-pencil line from cross in the lower voting square of amendment No. 9.

No. 108, identifying marks in the voting squares opposite Reeves, Webb, and Woods, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 17 ballots and claims that they should be counted for contestant.

#### FIFTEENTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifteenth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 116 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 116 ballots offered by contestee 103 are unobjectionable ballots. This offer, however, includes 13 ballots—numbered 60, 45, 197, 115, 130, 16, 169, 64, 139, 47, 57, 161, and 25—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 4 ballots on which Costley is voted for and 6 ballots on which there is no vote for Representative in Congress.



There are 70 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 14 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 111, identifying mark in the upper voting square of amendment No. 7; attempted erasure in said square.

No. 114, two crosses opposite Lane, Democratic, and Daniels, Republican.

No. 138, two crosses opposite Webb, Republican.

No. 181, identifying mark in the voting square opposite Webb, Republican.

No. 86, two crosses opposite Kahn, Republican.

No. 19, identifying mark in black ink, right-hand margin of ballot.

No. 85, identifying marks in front of Heenan, Lister, and White, Union Labor.

No. 157, identifying mark in the voting square opposite Woods, Republican.

No. 143, the voter has indicated his choice in pencil crosses.

No. 160, two crosses opposite Hebbard, Republican.

No. 150, two crosses opposite Long, Republican.

No. 137, two crosses opposite Beatty and Shannon, Republican.

No. 39, two crosses opposite Colgan and a cross on the line dividing the voting squares opposite Curry and Colgan, Republican.

No. 44, identifying mark in the voting square opposite Langdon, Democratic; attempted erasure in said square.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 14 ballots and claims that they should be counted for contestant.

#### SIXTEENTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixteenth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 108 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 108 ballots offered by contestee 92 are unobjectionable ballots. This offer, however, includes 16 ballots—numbered 131, 90, 4, 58, 112, 129, 1, 74, 65, 84, 103, 126, 18, 75, 99, and 3—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 4 ballots upon which Costley is voted for and 7 ballots on which there is no vote for Representative in Congress.

There are 42 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 7 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 120, two crosses opposite Colgan, Republican.

No. 165, a cross on the line dividing the voting squares, amendment No. 2.

Mr. DIBBLE. It is submitted that this is not a valid objection under any law or decision of the State of California.

Mr. TEVLIN (continuing). No. 53, identifying mark in the voting square opposite Kahn, Republican.

No. 128, two crosses in the lower voting square of amendment No. 8.

No. 63, a cross opposite the title "For member of assembly, Thirtieth assembly district," Republican.

No. 113, identifying marks in purple ink in the Republican column.

No. 72, a cross not in a voting square, amendment No. 6.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 7 ballots and claims that they should be counted for contestant.

#### SEVENTEENTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventeenth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 166 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 166 ballots offered by contestee 144 are unobjectionable ballots. This offer, however, includes 22 ballots—numbered 135, 110, 127, 133, 99, 182, 166, 52, 43, 105, 39, 30, 163, 183, 34, 36, 98, 128, 140, 148, 85, and 165—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 2 ballots on which Costley is voted for.

There are 16 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 7 ballots to which contestee makes the objection that they are illegal and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 117, identifying mark in the voting square opposite Langdon; an erasure in said voting square, Democratic.

No. 196, identifying mark, to wit, a cross in the right-hand margin of the ballot opposite the lower voting square of amendment No. 8.

No. 114, identifying mark, to wit, a cross in the right-hand margin of the ballot, opposite amendment No. 4.

No. 54, a cross opposite the title of office justices of the peace, Democratic.

No. 151, two crosses opposite Kirk, Republican.

No. 88, identifying marks, to wit, punctures, in the Prohibition column.

No. 113, identifying mark in the voting square opposite Fritz, Democratic.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 7 ballots and claims that they should be counted for contestant.

#### EIGHTEENTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighteenth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 133 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 133 ballots offered by contestee 113 are unobjectionable ballots. This offer, however, includes 20 ballots—numbered 9, 140, 106, 174, 56, 18, 14, 74, 34, 39, 145, 161, 40, 16, 141, 143, 172, 104, 76, and 27—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 1 ballot on which Costley is voted for and 9 ballots on which there is no vote for Representative in Congress.

There are 32 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 6 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 56, identifying mark in the voting square opposite Kahn, Republican.

No. 169, crosses in each of the voting squares opposite Van Nostrand and Lawler and a cross on the line dividing said voting squares, Republican.

No. 126, identifying mark in ink on the right-hand margin of ballot.

No. 94, two crosses opposite Pardee, Republican.

No. 138, two crosses opposite Brooks, Democratic.

No. 2, two crosses opposite Woods, Republican.

No. 75, two crosses opposite Woods, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 7 ballots, and claims that they should be counted for contestant.

#### NINETEENTH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the nineteenth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 135 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 135 ballots offered by contestee 117 are unobjectionable ballots. This offer, however, includes 18 ballots—numbered

16, 49, 175, 183, 162, 159, 33, 137, 138, 147, 96, 36, 65, 170, 66, 72, 64, and 1—objected to by contestant upon the production of his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 3 ballots on which Costley is voted for; 1 ballot, No. 20, on which both Rowell and Livernash are voted for; and 3 ballots on which there is no vote for Representative in Congress.

There are 29 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 15 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 71, identifying mark, to wit, purple blots on the face of the ballot.

No. 129, two crosses opposite Law, Democratic; and an identifying mark in lead pencil on the back of the ballot.

No. 163, identifying mark in the voting square opposite Jordan, Republican.

No. 181, two crosses opposite McMahon, Democratic.

No. 42, two crosses opposite Langdon, Union Labor.

No. 102, crosses in each of the squares opposite Daniels and Van Nostrand, and a cross upon the line dividing said squares.

No. 90, a cross opposite the title of office justices of the peace, Republican.

No. 165, two crosses opposite Daniels, Republican.

No. 186, identifying mark in the lower voting square of amendment No. 2; two crosses opposite Hunt, Republican.

No. 148, two crosses in the lower voting square of amendment No. 4.

No. 112, a cross not in a voting square, amendment 3.

No. 7, identifying mark in the lower voting square of amendment No. 6.

No. 5, two crosses in the upper voting squares of amendments Nos. 3 and 5.

No. 60, a cross opposite the title of office judges of the superior court, Democratic, and justices of the peace, Republican.

No. 6, crosses not in voting squares, constitutional amendments.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 15 ballots and claims that they should be counted for contestant.

## TWENTIETH PRECINCT, THIRTIETH ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twentieth precinct of the Thirtieth assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 147 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 147 ballots offered by contestee 116 are unobjectionable ballots. This offer, however, includes 31 ballots—numbered 14, 114, 31, 65, 66, 6, 185, 212, 73, 113, 166, 170, 35, 18, 216, 81, 112, 13, 145, 160, 105, 7, 48, 58, 173, 119, 160, 141, 147, 72, and 4—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 1 ballot on which Costley is voted for; 1 ballot, No. 180, on which both Rowell and Livernash are voted for; 1 ballot, No. 93, on which both Kahn and Livernash are voted for; 1 ballot, No. 80, on which Kahn, Livernash, Rowell, and Costley are voted for; and 3 ballots on which there is no vote for Representative in Congress.

There are 49 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 14 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 201, two crosses opposite Long, Republican.

No. 9, identifying mark opposite Pardee, Republican.

No. 11, two crosses opposite Long, Republican; two crosses opposite Alford, Democratic.

No. 29, identifying mark, to wit, a group of punctures in the upper blank portion of the Prohibition column.

No. 195, identifying mark opposite Cook, Republican.



No. 162, identifying mark opposite Pardee, Republican.

No. 144, two crosses in the upper voting square of amendment No. 8.

No. 60, identifying mark, to wit, a group of punctures—pin holes—in the blank portion of the Prohibition column.

No. 79, an identifying mark the shape of an inverted letter "B" in the lower blank portion of Independent column.

No. 121, a cross not in a voting square, amendment 1.

No. 132, a cross not in a voting square, amendment 1.

No. 3, two crosses opposite Kahn, Republican.

No. 38, two crosses opposite Shannon, Republican.

No. 217, crosses after titles of offices judges of the superior court and justices of the peace, Union Labor.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 14 ballots, and claims that they should be counted for contestant.

#### FIRST PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the first precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 159 ballots on which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 159 ballots offered by contestee 122 are unobjectionable ballots. This offer, however, includes 37 ballots—numbered 180, 181, 48, 170, 84, 14, 15, 187, 214, 159, 56, 106, 151, 21, 118, 176, 68, 76, 39, 29, 62, 144, 200, 202, 158, 153, 12, 35, 161, 43, 97, 199, 152, 100, 131, 209, and 212—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 4 ballots on which Costley is voted for; 1 ballot on which Rowell is voted for; 3 ballots—Nos. 169, 196, and 114—on which both Kahn and Livernash are voted for, and 10 ballots on which there is no vote for Representative in Congress.

There are 33 ballots on which Mr. Kahn has been voted for to which contestee makes no objection.

There are 14 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 201, identifying mark in the lower voting square of amendment No. 8.

No. 111, identifying mark in the voting square opposite Jordan, Republican.

No. 188, identifying mark in the voting square opposite Hoey, Republican.

No. 66, identifying mark opposite Bunkers, Union Labor.

No. 49, identifying mark in the voting square opposite Dunn, Republican.

No. 179, two crosses opposite Reeves, Republican.

No. 204, two crosses opposite Lucey, Republican.

No. 216, two crosses opposite Cook, Republican.

No. 177, two crosses opposite Reeves, Republican.

No. 65, identifying mark opposite Webster, Republican.

No. 52, the voter has indicated his choice in pencil.

No. 107, identifying marks in purple ink opposite McClellan, Koch, and Van Nostrand, Republican.

No. 132, two crosses opposite Dunn, Republican.

No. 195, two crosses opposite Hunt, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 14 ballots and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant, and it is repeated here.

#### SECOND PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the second precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 140 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 140 ballots offered by contestee 119 are

unobjectionable ballots. This offer, however, includes 21 ballots—numbered 176, 80, 165, 141, 43, 124, 75, 91, 96, 15, 2, 130, 197, 41, 108, 46, 63, 117, 161, 207, and 106—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 2 ballots on which Costley is voted for; 2 ballots on which Rowell is voted for; 1 ballot, No. 72, on which both Costley and Livernash are voted for, and 5 ballots on which there is no vote for Representative in Congress.

There are 48 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 14 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 189, two crosses opposite McClellan, Republican.

No. 52, two crosses opposite Hoey, Republican.

No. 57, two crosses in the upper voting square of amendment No. 5.

No. 183, ink line over the names McClellan and Hebbard, Republican.

No. 104, identifying mark in the voting square opposite Lane, Democratic.

No. 105, a cross opposite the title of office judges of the superior court, Republican.

No. 38, identifying mark in the voting square opposite Andrew, Republican; attempted erasure in said square.

No. 12, two crosses opposite Koch and Lucey, Republican.

No. 37, two crosses opposite Kahn, Republican.

No. 86, two crosses opposite White, Union Labor.

No. 206, two crosses opposite Lawson, Democratic.

No. 81, two crosses opposite Pardee, Republican.

No. 97, two crosses in the lower voting square of amendment No. 1.

No. 79, two crosses opposite Reeves, Republican.

Mr. DIBBLE. Contestant denies each and every objection framed by counsel for contestee to the preceding 14 ballots, and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant, and it is repeated here.

### THIRD PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the third precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 129 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 129 ballots offered by contestee 107 are unobjectionable ballots. This offer, however, includes 22 ballots—numbered 127, 137, 119, 83, 16, 69, 56, 7, 37, 165, 152, 36, 11, 175, 142, 188, 174, 110, 2, 46, 201, and 128—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 2 ballots on which Costley is voted for; 1 ballot, No. 37, on which both Kahn and Livernash are voted for; 1 ballot, No. 74, on which both Costley and Livernash are voted for, and 5 ballots on which there is no vote for Representative in Congress.

There are 43 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 9 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 5, identifying mark in the voting square opposite Costley, Socialist, and an attempted erasure in said square.

No. 169, identifying mark in the lower voting square of amendment No. 2; attempted erasure in said square.

No. 153, two crosses opposite Angelotti, Republican.

No. 92, crosses not in voting squares, amendments.

No. 87, identifying mark in the upper voting square of amendment No. 7.

No. 140, two crosses opposite Kirk, Republican.

No. 154, two crosses opposite Webb, Jordan, and Kirk, Republican.

No. 111, two crosses opposite Webb, Republican.

No. 20, two crosses opposite Van Nostrand, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 9 ballots and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant and it is repeated here.

#### FOURTH PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourth precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 132 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 132 ballots offered by counsel for contestee 102 are unobjectionable ballots. This offer, however, includes 30 ballots—numbered 24, 132, 51, 98, 41, 118, 10, 200, 199, 55, 83, 182, 197, 195, 196, 191, 101, 84, 31, 94, 17, 14, 115, 30, 88, 69, 188, 62, 103, and 78—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 3 ballots on which Costley is voted for, 7 ballots on which there is no vote for Representative in Congress, and 1 ballot, No. 79, on which Costley and Livernash are both voted for.

There are 44 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 13 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 53, identifying marks in the upper and lower squares of amendment No. 4.

No. 167, identifying marks in the upper voting squares of amendments Nos. 7, 8, and 9.

No. 18, two crosses opposite Hebbard, Republican.

No. 8, crosses not in voting squares, constitutional amendments; crosses to left of names in Republican column.

No. 176, identifying mark opposite Fritz, Democratic.

No. 85, identifying marks in ink, upper margin of ballot.

No. 154, a cross not in a voting square, amendment 8.

No. 47, crosses opposite titles of offices judges of the superior court and justices of the peace, Republican; and a cross not in the voting square of Jordan, Republican.

No. 145, two crosses opposite Beatty and Hunt, Republican.

No. 152, two crosses opposite Reeves, Republican.

No. 2, identifying mark in the voting square opposite Bunkers, Union Labor; an erasure in said square.

No. 125, identifying mark in the voting square opposite Hebbard, Republican; an erasure in said square.

No. 175, two crosses opposite Kirk and Hoey, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 13 ballots and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant and it is repeated here.

Here an adjournment was taken until April 11, 1903, at 9 o'clock a. m.

APRIL 11, 1903—9 o'clock a. m.

The inspection of the ballots was resumed.

Mr. TEVLIN. Mr. Zemansky, will you produce the envelopes containing the ballots in the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, and eighteenth precincts of the Thirty-first assembly district?

(Mr. Zemansky here produced the several envelopes mentioned.)

Mr. TEVLIN. You have brought these envelopes containing the ballots I have mentioned from the vault in the registrar's office?

A. Yes.

Q. What is their condition?—A. The envelopes are intact, they are duly sealed, and the seals have not been broken.



## FIFTH PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifth precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 123 ballots upon which Mr. Livernash has been voted for. Mr. DIBBLE. Contestant admits that of the 123 ballots offered by contestee 101 are unobjectionable ballots. This offer, however, includes 22 ballots—numbered 155, 177, 138, 65, 124, 53, 150, 71, 36, 125, 188, 4, 105, 94, 103, 41, 6, 182, 109, 150, 157, and 135—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 10 ballots on which there is no vote for Representative in Congress; 1 ballot, No. 24, on which both Kahn and Livernash are voted for.

There are 33 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 13 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 52, two crosses opposite Hoey, Republican.

No. 97, a cross in the margin in the upper left-hand corner of ballot.

No. 90, two crosses opposite Koch, Republican.

No. 70, identifying mark in the voting square opposite Bunkers, Union Labor; attempted erasure in said square.

No. 22, two crosses opposite Koch, Republican.

No. 57, identifying mark in the voting square opposite Cook, Republican; erasure in said square.

No. 46, two crosses opposite Cook, Republican.

No. 151, two crosses opposite Hebbard, Republican.

No. 98, two crosses opposite Van Nostrand, Republican.

No. 67, two crosses opposite Kahn, Republican.

No. 85, two crosses opposite Anderson, Republican.

No. 172, ink blot in the lower right corner of ballot.

No. 111, two crosses opposite Hoey, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 13 ballots, and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant and it is repeated here.

## SIXTH PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixth precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 128 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 128 ballots offered by contestee 105 are unobjectionable ballots. This offer, however, includes 23 ballots—numbered 26, 74, 76, 179, 182, 154, 97, 62, 135, 129, 55, 111, 124, 15, 186, 47, 52, 84, 102, 204, 113, 180, and 155—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 4 ballots on which Costley is voted for; 2 ballots, Nos. 50 and 202, on which both Costley and Livernash are voted for; and 9 ballots on which there is no vote for Representative in Congress.

There are 55 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 12 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 134, two crosses opposite Brauhart, Democratic.

No. 185, two crosses opposite Van Nostrand and Hoey, Republican.

No. 108, identifying mark in the upper voting square of amendment No. 7, attempted erasure in said square.

No. 170, identifying mark opposite Kirk, Republican; identifying mark in purple ink in the blank portion of the Socialist column.

No. 99, identifying mark, to wit, indentations or pin points, in the lower voting square of amendment No. 1, and upper voting square of amendment No. 2.

No. 210, two crosses opposite Jordan, Republican.

No. 121, two crosses in the upper voting square of amendment No. 5; two crosses opposite Siskron, Democratic.

No. 48, two crosses in the upper voting square of amendment No. 8.

No. 127, two crosses opposite Lucey, Republican.

No. 126, two crosses opposite Fritz, Democratic.

No. 181, identifying mark in the voting square opposite Lucey, Republican.

No. 197, a cross not in a voting square of amendment No. 9.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 12 ballots, and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant and it is repeated here.

#### SEVENTH PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventh precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 156 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 156 ballots offered by contestee 130 are unobjectionable ballots. This offer, however, includes 26 ballots—numbered 65, 142, 120, 79, 158, 93, 123, 107, 99, 41, 89, 153, 188, 66, 80, 160, 169, 115, 75, 15, 63, 118, 91, 147, 156, and 87—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 2 ballots on which Costley is voted for and 4 ballots on which there is no vote for Representative in Congress.

There are 21 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 8 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 102, two crosses opposite Kirk, Republican.

No. 136, two crosses opposite Beatty, Republican.

No. 145, identifying mark in the voting square opposite Kahn, Republican; also in lower voting square of amendment No. 8.

No. 116, two crosses opposite Webster, Republican.

No. 133, two crosses opposite Van Nostrand, Republican.

No. 128, two crosses opposite amendment No. 1.

No. 155, two crosses opposite Long, Republican.

No. 53, the voter has indicated his choice in pencil.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 8 ballots, and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant, and it is repeated here.

#### EIGHTH PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighth precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 103 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 103 ballots offered by contestee 83 are unobjectionable. This offer, however, includes 20 ballots—numbered 123, 121, 62, 77, 143, 108, 36, 69, 154, 103, 15, 86, 118, 40, 151, 8, 61, 72, 160, and 120—objected to by contestant on the production of his evidence in his case in chief, which he claims

are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There is 1 ballot on which Costley is voted for; 1 ballot on which Rowell is voted for; 3 ballots, Nos. 34, 78, and 105, on which both Kahn and Livernash are voted for, and 9 ballots on which there is no vote for Representative in Congress.

There are 32 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 12 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 134, identifying marks in purple ink in the Democratic and Socialist columns.

No. 161, two crosses opposite Andrew, Van Nostrand, and Hoey, Republican, and in the lower voting square of amendment No. 9.

No. 109, two crosses opposite Colgan; identifying mark on the line dividing the voting square opposite Beatty and the space for associate justices of the supreme court; two crosses opposite Dunn, Republican.

No. 110, two crosses opposite Lane, Democratic.

No. 89, identifying marks opposite titles of offices judges of the superior court and justices of the peace, Republican.

No. 95, two crosses opposite Hoey and Lucey, Republican.

No. 35, two crosses opposite McClellan and Hoey, Republican.

No. 152, two crosses opposite Hunt, Republican.

No. 106, identifying mark opposite Webster, Republican.

No. 73, identifying mark opposite Pardee, Republican.

No. 67, ink blot at the head of the Prohibition ticket.

No. 43, identifying mark opposite Lucey, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 12 ballots, and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant, and it is repeated here.

#### NINTH PRECINCT. THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the ninth precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 110 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 110 ballots offered by contestee 88 are unobjectionable ballots. This offer, however, includes 22 ballots—numbered 61, 66, 138, 149, 37, 34, 18, 25, 4, 70, 22, 115, 108, 35, 105, 74, 8, 3, 79, 19, 17, and 128—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 4 ballots on which there is no vote for Representative in Congress.

There are 23 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 14 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 126, identifying mark in the upper margin of the ballot over the Independent column.

No. 143, a cross after the title of office judges of the superior court, Democratic.

No. 116, cross opposite heading "Constitutional amendments."

No. 14, identifying marks opposite amendment No. 8; and a cross opposite the title of office justices of the peace; and 2 crosses opposite Webb, Republican.

No. 36, identifying mark in purple ink, Socialist.

No. 51, two crosses opposite Anderson, Republican.

No. 102, two crosses opposite Pardee, Republican.

No. 9, identifying mark in the lower voting square of amendment No. 2; attempted erasure in said square.

No. 6, two crosses opposite Kahn, Republican.



No. 110, two crosses opposite Hoey, Republican.

No. 118, identifying mark in the voting square opposite White, Union Labor.

No. 127, identifying mark opposite Anderson and Webb, Republican.

No. 92, identifying mark opposite Brower and Whitney, Socialist.

No. 57, two crosses in the upper voting square of amendment No. 3.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 14 ballots, and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant, and it is repeated here.

#### TENTH PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the tenth precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 141 ballots on which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 141 ballots offered by contestee 118 are unobjectionable ballots. This offer, however, includes 23 ballots—numbered 87, 115, 99, 102, 217, 55, 198, 189, 137, 167, 35, 33, 177, 47, 108, 145, 163, 107, 136, 118, 77, 81, and 7—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 3 ballots on which Costley is voted for; 1 ballot, No. 51, on which both Kahn and Costley are voted for; 1 ballot, No. 72, on which both Livernash and Costley are voted for, and 6 ballots on which there is no vote for Representative in Congress.

There are 56 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 12 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 67, two crosses opposite Dunn, Republican.

No. 10, crosses after titles of offices, Republican; two crosses opposite Brown, Republican, and two crosses in the lower voting square of amendment No. 2.

No. 17, ink blot at the head of the Prohibition column.

No. 155, two crosses opposite Long, Republican.

No. 216, identifying mark, to wit, an attempted erasure in the voting square opposite Koch, Republican.

No. 210, identifying mark in the upper voting square of amendment No. 9; attempted erasure in said square; same objection, upper voting square of amendment No. 8.

No. 204, two crosses in the square opposite Hoey, Republican.

No. 138, a cross not in a voting square, amendment No. 8.

No. 79, identifying mark in the lower voting square of amendment No. 1.

No. 219, identifying mark in the lower voting square of amendment No. 4; attempted erasure in said square.

No. 159, two crosses in the upper voting square of amendment No. 8.

No. 148, capital letter "A" in lead pencil over the Socialist column.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 12 ballots and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant, and it is repeated here.

#### ELEVENTH PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eleventh precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 130 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 130 ballots offered by contestee 111 are unobjectionable ballots. This offer, however, includes 19 ballots—numbered 127, 38, 146, 142, 154, 1, 57, 30, 45, 126, 86, 29, 204, 211, 198, 101, 141, 159, and 194—

objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 3 ballots on which Costley has been voted for; 2 ballots, Nos. 25 and 14, on which both Costley and Livernash have been voted for, and 5 ballots on which there is no vote for Representative in Congress.

There are 61 ballots on which Mr. Kahn has been voted for to which contestee makes no objection.

There are 14 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 51, identifying mark in the square opposite Barduhn and attempted erasure in said square, Socialist.

No. 56, two crosses in the upper voting square of amendment No. 2.

No. 191, identifying mark in the upper voting square of amendment No. 1; attempted erasure in said square.

No. 109, two crosses in the lower voting square of amendment No. 8.

No. 13, two crosses opposite Van Nostrand, Republican.

No. 184, two crosses opposite Van Nostrand, Republican; two crosses opposite Carroll, Democratic.

No. 114, identifying mark in ink over blank column.

No. 157, two crosses opposite Lucey, Republican.

No. 90, crosses opposite titles of offices judges of the superior court and justices of the peace; two crosses opposite Angelotti, Republican.

No. 7, crosses opposite titles of offices judges of the superior court and justices of the peace, Republican.

No. 208, two crosses opposite Kahn, Republican.

No. 162, identifying mark in the lower voting square of amendment No. 1; attempted erasure in said square.

No. 71, two crosses in the upper voting square of amendment No. 1.

No. 132, identifying mark opposite title of office judges of the superior court; attempted erasure opposite said title, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 14 ballots, and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant, and it is repeated here.

## TWELFTH PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the twelfth precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 125 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 125 ballots offered by contestee 104 are unobjectionable ballots. This offer, however, includes 24 ballots—numbered 204, 48, 49, 7, 54, 89, 95, 162, 157, 75, 43, 57, 208, 190, 4, 81, 55, 72, 94, 134, and 175—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 4 ballots on which Costley is voted for; 2 ballots, Nos. 172 and 114, on which both Costley and Livernash are voted for; 1 ballot, No. 207, on which both Kahn and Costley are voted for—

Mr. DIBBLE. Contestant denies that on ballot No. 207 both Kahn and Costley are voted for, and insists that it is a ballot for Kahn and should be counted for him.

Mr. TEVLIN (continuing). And 3 ballots on which there is no vote for Representative in Congress.

There are 62 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 18 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 33, identifying marks in the right-hand margin of ballot, opposite the lower voting square of amendment 8.

No. 193, identifying mark in the upper voting square of amendment No. 1.

No. 22, two crosses in the upper voting square of amendment No. 9.

No. 16, identifying mark in the voting square opposite Cook, Republican; attempted erasure in said square; identifying mark in the upper voting square of amendment No. 7; erasure in said square.

No. 201, identifying marks opposite Pardee, Curry, and other names in the Republican column; two crosses in the upper voting square of amendment No. 3.

No. 104, two crosses in the lower voting square of amendment No. 8.

No. 87, two crosses opposite Shaw, Republican; identifying mark in the lower voting square of amendment No. 7; attempted erasure in said square.

No. 96, two crosses opposite Daniels, Republican.

No. 200, identifying mark in the voting square opposite Hebbard; attempted erasure in said square; identifying mark in lead pencil, a line drawn through the name Hebbard, Republican.

No. 189, two crosses opposite Hunt, Republican.

No. 60, two crosses opposite Pardee and Daniels, Republican.

No. 50, two crosses in the upper voting square of amendment No. 9; identifying mark opposite McGregor, Union Labor.

No. 3, a cross not in a voting square, amendment No. 3.

No. 19, two crosses in the lower voting square of amendment No. 9.

No. 108, two crosses opposite Lucey, Republican.

No. 128, identifying mark in the lower voting square of amendment No. 8; two crosses in said square.

No. 88, two crosses in the upper voting square of amendment No. 8.

No. 99, identifying mark in purple ink in the blank portion of the Socialist column.

MR. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 18 ballots, and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant, and it is repeated here.

### THIRTEENTH PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the thirteenth precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

MR. TEVLIN. There are 104 ballots upon which Mr. Livernash has been voted for.

MR. DIBBLE. Contestant admits that of the 104 ballots offered by contestee 91 are unobjectionable ballots. This offer, however, includes 13 ballots—numbered 149, 120, 88, 52, 10, 200, 65, 58, 157, 195, 104, 84, and 121—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

MR. TEVLIN. There are 1 ballot on which Costley is voted for and 3 ballots on which there is no vote for Representative in Congress.

There are 84 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 16 ballots to which contestee makes the objection that they are illegal and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 38, identifying marks to the left of Trask, Democratic, to wit, punctures in the ballot.

No. 33, two crosses in the upper voting square of amendment No. 1.

No. 28, ink mark in the right-hand margin of ballot.

No. 153, identifying mark opposite Lister, Union Labor.

No. 118, crosses not in voting squares, amendments 4, 5, and 8.

No. 72, two crosses in the upper voting square of amendment No. 8; identifying mark in ink at the foot of blank column.

No. 187, identifying mark in lead pencil opposite and over Shannon, Republican.

No. 78, two crosses opposite Angelotti, Republican.

No. 170, crosses opposite titles of offices judges of the superior court and justices of the peace; two crosses opposite Lucey, Republican.

No. 181, a cross not in a voting square, amendment 8.

No. 42, two crosses opposite Law, Democratic.



No. 37, two crosses opposite Kirk, and a cross opposite the title of office judges of the superior court, Republican.

No. 97, two crosses opposite Angelotti, Republican.

No. 124, identifying mark opposite Pardee, Republican.

No. 152, identifying mark opposite Pardee and Jordan, Republican.

No. 197, the voter has indicated his choice in pencil. This ballot is indorsed "Rejected for being incorrectly marked in pencil," and the indorsement is signed by the election officers.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 16 ballots, and claims that they should be counted for contestant. Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant, and it is repeated here.

#### FOURTEENTH PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fourteenth precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 136 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 136 ballots offered by contestee 119 are unobjectionable ballots. This offer, however, includes 17 ballots—numbered 150, 60, 14, 114, 2, 92, 179, 208, 185, 199, 205, 190, 75, 30, 86, 68, and 131—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 1 ballot on which Costley is voted for; 2 ballots, Nos. 40 and 72, on which both Costley and Livernash are voted for, and 9 ballots on which there is no vote for Representative in Congress.

There are 49 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 11 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 81, identifying mark on the back of the ballot, to wit, the number "127" in pencil.

No. 24, identifying mark, to wit, a cross to the left of the title "For Representative in Congress," Republican.

No. 163, identifying mark in purple ink in the Republican column.

No. 58, a cross not in a voting square, amendment 8.

No. 195, numerous crosses in the lower voting square of amendment No. 7.

No. 184, a cross in the blank portion of the Prohibition column.

No. 32, two crosses opposite McClellan, Republican.

No. 143, a cross after the title of office judges of the superior court, Republican.

No. 104, thumb marks in the upper margin.

No. 202, identifying marks in the right margin of ballot opposite amendments Nos. 1, 2, and 3.

No. 166, identifying mark, to wit, a cross to the left of the name "Mueller," Union Labor.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 11 ballots, and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant, and it is repeated here.

#### FIFTEENTH PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the fifteenth precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 114 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 114 ballots offered by contestee 102 are unobjectionable ballots. This offer, however, includes 12 ballots—numbered 98, 78, 50, 164, 161, 57, 21, 30, 105, 94, 91, and 115—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under

the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 3 ballots on which Costley is voted for; 1 ballot, No. 121, on which both Kahn and Livernash are voted for, and 3 ballots on which there is no vote for Representative in Congress.

There are 54 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 10 ballots to which contestee makes the objection that they are invalid and void, that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 129, two crosses opposite Daniels, Republican.

No. 3, two crosses opposite Jordan, Republican.

No. 158, two crosses opposite Wilson, Democratic.

No. 110, two crosses opposite Kirk, Republican, and two crosses in the lower voting square of amendment No. 1.

No. 61, a cross not in a voting square, amendment 8.

No. 32, crosses not in voting squares, amendments Nos. 1, 3, and 8.

No. 157, a cross not in a voting square, amendment No. 1.

No. 47, pencil crosses in the voting squares opposite Woods, Kirk, Brown, and other squares in the Republican and Democratic columns; identifying mark, to wit, in the voting square opposite McClellan, Republican.

No. 117, two crosses in the upper voting square of amendment No. 6.

No. 99, two crosses opposite Shaw, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 10 ballots, and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant, and it is repeated here.

#### SIXTEENTH PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the sixteenth precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 129 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 129 ballots offered by contestee 105 are unobjectionable ballots. This offer, however, includes 24 ballots—numbered 152, 24, 52, 2, 17, 122, 33, 141, 4, 11, 158, 54, 99, 117, 28, 55, 157, 109, 58, 82, 137, 42, 70, and 106—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 6 ballots on which Costley is voted for; 1 ballot, No. 107, on which both Costley and Kahn are voted for; 1 ballot, No. 112, on which both Costley and Livernash are voted for, and 5 ballots on which there is no vote for Representative in Congress.

There are 55 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 13 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 93, identifying mark opposite Lister, Union Labor.

No. 210, two crosses opposite Reeves, Republican.

No. 181, two crosses in the upper voting square of amendment No. 1.

No. 89, identifying mark in the upper voting square of amendment No. 3; attempted erasure in said square.

No. 179, two crosses opposite Woods, Republican.

No. 69, two crosses opposite Pardee, Republican.

No. 104, two crosses in the upper voting square of amendment No. 6.

No. 173, identifying mark opposite Anderson, Republican.

No. 80, a cross not in a voting square, amendment No. 8.

No. 92, two crosses opposite Daniels and Hoey, Republican.

No. 95, identifying mark in the voting square opposite Carroll; attempted erasure in said square, Democratic.

No. 144, a cross opposite the title of office judges of the superior court, Republican.

No. 111, identifying mark in the voting square opposite Andrew, Republican; attempted erasure in said square.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 13 ballots and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed for the attorney for contestant, and it is repeated here.

#### SEVENTEENTH PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the seventeenth precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 127 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 127 ballots offered by contestee 110 are unobjectionable ballots. This offer, however, includes 16 ballots—numbered 123, 65, 13, 111, 43, 205, 192, 169, 142, 120, 132, 207, 25, 145, 33, and 149—objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

And, also, ballot No. 121, upon which the name Livernash is voted for in both the Democratic and Union Labor columns, and which contestant insists is void under the laws and decisions of the State of California and should not be counted.

Mr. TEVLIN. Contestee objects to counsel for contestant noting any objections not noted on his case in chief to ballots cast in this precinct, or in any precinct of the Thirty-first assembly district, on which there is a cross made by the voting stamp in the square opposite the name of Mr. Livernash, on the grounds—

First. That all such ballots which might be objected to, or to which counsel for contestant may assert any objection or objections to their being counted as votes for contestee, should have been produced by contestant as evidence in support of the allegations contained in his notice of contest, and within the time limited by law for the production of such evidence, and should have been then objected to.

Second. That the time within which contestant could and should offer evidence as to invalid votes cast for contestee has expired.

Mr. TEVLIN. There are 14 ballots on which Costley is voted for and 1 ballot on which there is no vote for Representative in Congress.

There are 61 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 20 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 30, crosses not in voting squares, amendments.

No. 40, crosses not in voting squares, amendments Nos. 1, 2, and 3.

No. 1, check mark in pencil over "No." amendment No. 9.

No. 45, a cross not in a voting square, amendment 3.

No. 162, two crosses opposite Reeves, Republican.

No. 107, two crosses opposite Kirk, Republican.

No. 156, two crosses opposite Daniels, Republican.

No. 118, two crosses opposite Hoey, Republican.

No. 182, two crosses in the lower voting square of amendment No. 8; attempted erasure of a cross in said square.

No. 215, identifying mark opposite Lucey, Republican.

No. 137, identifying marks in ink over the Prohibition column.

No. 209, identifying mark in the right margin of the ballot opposite amendment No. 3.

No. 59, identifying marks in the blank portion of the Socialist column.

No. 31, a cross not in a voting square to the right of title "For secretary of state," Democratic.

No. 173, a cross not in a voting square under the name Angelotti, Republican.

No. 69, crosses opposite titles of offices, judges of the superior court and justices of the peace, Republican.

No. 44, two crosses opposite Webb, Republican.

No. 38, two crosses opposite Curry, Republican.

No. 7, identifying marks in the right margin of ballot.



No. 146, two crosses opposite Brown, Republican.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 20 ballots and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant, and it is repeated here.

#### EIGHTEENTH PRECINCT, THIRTY-FIRST ASSEMBLY DISTRICT.

The seals on the envelope containing the ballots cast in the eighteenth precinct of the Thirty-first assembly district were then broken by the deputy registrar and the ballots inspected.

Mr. TEVLIN. There are 103 ballots upon which Mr. Livernash has been voted for.

Mr. DIBBLE. Contestant admits that of the 103 ballots offered by contestee 84 are unobjectionable ballots. This offer, however, includes 19 ballots, numbered 90, 89, 17, 154, 49, 150, 144, 113, 22, 102, 153, 100, 6, 25, 126, 108, 36, 129, and 1, objected to by contestant on the production of his evidence in his case in chief, which he claims are illegal and void under the laws and decisions of the State of California, and should not be counted for the reasons there specified.

Mr. TEVLIN. There are 5 ballots on which Costley is voted for; 1 ballot, No. 70, on which both Costley and Livernash are voted for, and 10 ballots on which there is no vote for Representative in Congress.

There are 26 ballots on which Mr. Kahn is voted for to which contestee makes no objection.

There are 15 ballots to which contestee makes the objection that they are invalid and void; that none of them should have been counted for Mr. Kahn, and that none of them should be counted for him in this proceeding. The numbers of these ballots and the grounds of the objections to them are as follows:

No. 88, two crosses opposite Shaw, Republican.

No. 114, two crosses opposite Anderson, Republican.

No. 145, identifying mark in the right margin of the ballot opposite amendment No. 8.

No. 92, two crosses opposite Kirk, Shannon, and Webster, Republican.

No. 83, two crosses opposite Cook and Daniels, Republican.

No. 132, identifying mark in the upper voting square of amendment No. 5; identifying mark in the upper voting square of amendment No. 8, to wit, crosses in said square and an attempted erasure of the upper cross.

No. 84, two crosses opposite Lucey, Republican; identifying mark in the upper voting square of amendment No. 9.

No. 91, a cross not in a voting square, amendment No. 8.

No. 73, identifying mark in the voting square opposite Webster; two crosses in said square, Republican; two crosses in a voting square of amendment No. 9.

No. 27, two crosses opposite Kahn and Pardee, Republican.

No. 117, two crosses opposite Kahn, Republican.

No. 143, the names Farnsworth and Bunkers and Siskron are written in the blank column.

No. 157, identifying mark in the lower voting square of amendment No. 8; identifying marks in ink at the foot of the Union Labor ticket.

No. 2, identifying mark in the voting squares opposite Beatty, Republican.

No. 112, identifying mark in the right margin of the ballot opposite amendment No. 6.

Mr. DIBBLE. Contestant denies the existence of each and every objection framed by counsel for contestee to the preceding 15 ballots, and claims that they should be counted for contestant.

Contestant objects to the counting of any of the ballots in this precinct. On the production of his evidence in his case in chief the character of the objection was framed by the attorney for contestant, and it is repeated here.

It was here stipulated by and between counsel for the respective parties that an adjournment should be taken until Wednesday, April 15, 1903, at 9 o'clock a. m.

WEDNESDAY, April 15, 1903.

It was stipulated by and between counsel for the respective parties that an adjournment should be taken until Saturday, April 18, 1903, at 10 o'clock a. m.

SATURDAY, April 18, 1903—10 o'clock a. m.

JAMES F. TEVLIN, being duly sworn, deposed and testified as follows:

I am the attorney for the contestee in this proceeding. On the 29th day of January, 1903, I personally served a true copy of the answer of contestee to the notice of contest herein upon Messrs. Henry C. Dibble & Dibble by delivering said copy to Mr. Oliver Dibble in his office in the Mills Building, in this city; and thereupon, in my presence, Mr. Oliver Dibble indorsed a written admission of the service of said answer upon the back of the last page thereof. And in this connection I refer to the oral testimony of Mr. Oliver Dibble, stating the fact of the service of the answer upon him, given upon the hearing of contestant's case in chief in this proceeding.

I offer a notice of the taking of depositions, dated March 24, 1903, and refer to the admission of service indorsed thereon, signed "Julius Kahn, by Henry C. Dibble & Dibble, his attorneys." This admission of service was subscribed by Mr. Oliver Dibble, of the firm of Henry C. Dibble & Dibble, in my presence on the 24th day of March, 1903, and was made when a true copy of said notice was served upon him in his office in this city. Marked "Contestee's Exhibit No. 1."

I now offer a notice of taking depositions, dated April 16, 1903, and refer to the admission of service thereon, subscribed "Julius Kahn, by Henry C. Dibble & Dibble, attorneys for contestant." I served a true copy of this notice upon Mr. Oliver Dibble, of the firm of Henry C. Dibble & Dibble, in his office in the Mills Building, in this city, on the 16th day of April, 1903, and he subscribed said admission of service in my presence. Marked "Contestee's Exhibit No. 2."

Attest:

JAS. F. TEVLIN.

FRANK J. THOMPSON, being duly sworn, deposed and testified as follows:

Mr. DIBBLE. Contestant objects to the testimony of this witness upon the ground that it is immaterial.

By Mr. TEVLIN:

Q. What is your name?—A. Frank J. Thompson.

Q. What is your age, occupation, and residence?—A. My age is over 21 years; my residence, 41 Oak Grove avenue, San Francisco; place of business, 527 Mission street, with the Brooks Follis Electric Coporation; occupation, salesman.

Q. How long have you resided in the city and county of San Francisco?—A. Born here.

Q. You were born here and have resided here all your life?—A. I have.

Q. You resided in this city and county and lived at the place mentioned on the 4th of last November?—A. Yes, sir.

Q. Did you participate in any way in the election held on the 4th of last November?—A. Participate? No.

Q. Did you participate in the election held on the 4th of last November?—A. I did as an inspector on the board.

Q. You were an inspector on the board?—A. Yes.

Q. What board do you refer to?—A. The board of election.

Q. Of the seventeenth precinct of the Twenty-ninth assembly district?—A. Of the seventeenth precinct of the Twenty-ninth assembly district.

Q. Did you see the ballots cast in the seventeenth precinct of the Twenty-ninth assembly district after the ballots had been cast by the voters?—A. Did I see them afterwards?

Q. Yes.—A. I did.

Q. When and where?—A. I saw them there. I believe I initialed all of them. I believed that it was my duty to initial each and every ballot and see them numbered, and see that they agreed with the total ballots cast.

Q. And did you see the ballots after that and while they were being counted?—A. Yes; I was there continually.

Q. You were present in the voting booth continuously while the ballots were being counted?—A. Yes; while the ballots were being counted, except by the relief of probably an hour for supper.

Q. Did you yourself count any of the ballots or assist in counting them?—A. I did.

Mr. TEVLIN. Will you open the ballots in the seventeenth precinct of the Twenty-ninth assembly district, Mr. Zemansky?

(Mr. Zemansky breaks the seals on the envelope containing the ballots cast in said precinct.)

By Mr. TEVLIN:

Q. Mr. Thompson, I now show you ballots numbered 126, 15, 138, 5, 117, 127, 18, 114, and 134, all of which were cast in the seventeenth precinct of the Twenty-ninth assembly district, and ask you if you have seen these ballots before? Just look over them.—A. It was me that made those marks [indicating blue-pencil lines].

Q. Just look over all of them first; look over all of the ballots one after the other.—A. I have done that.

Q. Have you seen those ballots before?—A. Yes, sir.

Q. When and where have you seen them?—A. I have seen them in the booth in the front of 925 or 927—isn't that about where the booth is located? I think that is about right.

Q. 927 what street?—A. Or 945 Harrison. I guess that is where our booth was—945 Harrison, in this city and county.

Q. Between Fifth and Sixth streets?—A. Between Fifth and Sixth—the seventeenth precinct of the Twenty-ninth assembly district.

Q. On the evening of the 4th of November last?—A. Of the 4th of November last.

Q. How do you identify those ballots?—A. Because I was the only one that had the blue pencil.

Q. What do you refer to when you use the words "blue pencil?" Do you mean that you identify them by these marks in blue pencil appearing in the lower blank portion of the column for independent nominations?—A. Yes, sir; I done this irrespective of the party, not designating or trying to favor any member of any party, but, as I say, being in a clerical position, I done it in the same way—if it should ever come up, I made a note if it comes up, so that I am positive I only counted one vote for Lawson; although his name appears twice, I only counted it once.

Q. You refer now to ballot No. 134, and you say that you made a mark to indicate that, although there is a cross opposite Lawson in two squares—in both the Democratic and Union Labor columns—you nevertheless counted this vote as one vote for Lawson?—A. Yes; as one vote.

Q. And why did you make the marks on the other ballots on which candidates other than Lawson have two crosses opposite their names, or, rather, have a cross opposite the name in both the Democratic and Union Labor columns?—A. Identically the same way; the name appeared twice—on both tickets. I put a mark opposite one of the names to show that they counted only one vote.

Q. That you counted only one vote?—A. I only counted that vote as one vote.

Q. When did you make those marks—at what time?—A. While I was calling them.

Q. Under what circumstances as to openness, publicity, etc.?—A. I took the ballot—everybody saw me there—I took my rule, and I would first look down my ballot where there are judges and only a certain number of offices to run for. Those like in this case, where he has voted twice, although we got instructions the night before that although the name appeared twice it was only to be counted as one ballot or vote—therefore, for my own safety, I made a little mark that way, so that if this should come up thereafter I can identify it.

Q. Then you testify positively that you made the mark in blue pencil appearing in the lower blank portion of the column for independent nominations on each and every one of the 9 ballots I have shown to you?—A. Yes, sir.

Q. And that none of these marks were upon any of these ballots until placed there by you?—A. No.

Q. In the process of counting the ballots after they had been cast by the voters?—A. Yes; while the whole board was in session—while the board was there; and also the watchmen and everybody saw it; and of course when a vote appeared twice, I just put the mark to one side.

Q. What party did you represent on the board of elections?—A. The Republican party.

Q. At the last election were you a partisan of Mr. Livernash?—A. Was I in favor of him?

Q. A partisan of his. Were you exerting your influence in his favor?—A. No; I was not exerting my influence in anybody's favor, on account of being on the board.

Q. With what instrument were these blue marks made?—A. A blue pencil—one of these paper blue pencils that you can, instead of sharpening, tear it all off the side.

Q. And the marks that you refer to are a mark in blue pencil opposite the name Lawson in the Union Labor ticket on ballot No. 134; opposite the name Finn in the Union Labor ticket on ballot No. 114; opposite the name Finn on the Union Labor ticket on ballot No. 18; opposite the name Langdon in the Union Labor ticket on ballot No. 127; opposite the name Langdon in the Union Labor ticket on ballot No. 117; opposite the name Langdon in the Union Labor ticket on ballot No. 5; opposite



the names Langdon and Livernash in the Union Labor ticket on ballot No. 138; opposite the name Livernash in the Union Labor ticket on ballot No. 15, and opposite the names Langdon and Livernash in the Union Labor ticket on ballot No. 126?—A. That is right.

Q. All of which marks you say were placed upon the ballot by you?—A. Yes. The reason I done that was—the reason I made the mark in this way was because I was not influenced by any party; I didn't want to see—in case it ever should come up either party can claim that vote. Therefore that did not destroy the legality of the ballot.

Q. That is, in your opinion?—A. That is, in my opinion. I didn't want to destroy the legality of the vote so far as the parties were concerned. The way I look at it now, the Democrats or the Union Labor can claim that vote, just as they wish. That is why I would not legally destroy it. I, just as I say, made that little indication there on the outside, not interfering with the "x" at all.

Cross-examination by Mr. DIBBLE:

Q. Mr. Thompson, you were the Republican inspector on the board of the seventeenth precinct of the Twenty-ninth assembly district?—A. Yes.

Q. Mr. Tevlin has asked you if you were a partisan of Mr. Livernash during the last campaign, and you answered that you were not, because you did not wish to take an active part, being a member of the board. When were you notified that you were a member of the board, how many days before election?—A. I generally receive my appointment two or three weeks ahead of the time.

Q. Did you take any active part in politics in the Congressional campaign last year, either in favor of Mr. Livernash or Mr. Kahn?—A. No. I have only run for office as a delegate at this last convention.

Q. On the Republican ticket?—A. On the Republican ticket.

Q. In the Fourth Congressional district?—A. Yes; in the Fourth district.

Q. Were you one of those who nominated Mr. Kahn for Congress?—A. No; I was not elected, I was defeated.

Q. Did you take an active part in the political campaign for Congress last year in the Fourth district, either in favor of Mr. Kahn or Mr. Livernash?—A. No; I did not.

Q. Now, Mr. Thompson, do you undertake to say that upon each of the ballots that are numbered as read to you by Mr. Tevlin this blue mark was put on by you in each instance?—A. Yes.

Q. Do you remember the fact?—A. I remember the fact.

Q. You don't merely testify to that effect because you see them here now?—A. No.

Q. But you remember absolutely—A. I do.

Q. (Continuing.) Putting in those marks, on every one of the ballots, appearing opposite the names where there are crosses in both the Democratic and Union Labor columns?—A. That is right.

Q. And that the reason that you put them there was to call your attention to them?—A. To call my attention to them, so that I would only call the name once.

Q. Do you undertake to say that you put a blue pencil mark on every ballot wherever that occurred?—A. While I was calling off.

Q. There may have been some that went past?—A. Yes; only when I was calling off. There was another caller there.

Q. There are two ballots here that are marked in this wise that are not marked with a blue pencil.—A. Where the name had been voted twice?

Q. Yes; where the name has been voted twice, that are not marked with the blue pencil. That may have occurred while you were away?—A. Yes.

Q. How long were you at supper?—A. I guess it was only probably half an hour, because I wanted to get through with it, because we thought we had a larger vote than we found there was.

Q. I will ask you one more question, Mr. Thompson. I merely want you to say, if you remember, and it is so, that on the ballots read to you by number by Mr. Tevlin, where there appear blue pencil marks in the blank part of the column marked "For independent nominations," are you absolutely sure that you placed that mark on there yourself and that in no instance was that mark upon the ballots at the time they were taken from the box?—A. They were not. I placed them there myself. There is only one blue pencil mark on the ballot, which is proven to have been made by me.

Q. You are absolutely sure that there was no blue pencil mark upon the ballots when they were taken from the box?—A. Yes, sir.

Attest:

FRANK J. THOMPSON.

THOMAS J. WALSH, recalled.

Mr. DIBBLE: Contestant objects to the testimony of the witness on the ground that it is immaterial.

By Mr. TEVLIN:

Q. You are the registrar of voters of this city and county?—A. Yes, sir.

Q. And secretary of the board of election commissioners?—A. Yes, sir.

Q. Do you, as secretary, keep the minutes of the proceedings of the board?—A. Yes, sir.

Q. I ask you to produce the minutes of the board of election commissioners of this city and county.

(The witness produces said minutes.)

Q. (Continuing.) And say if they state any action taken by that board upon the subject of instructing officers of the precinct election boards in relation to the counting of ballots when candidates' names appear more than once upon the ballots.—A. Yes, sir; action was taken on October 28, 1902.

Q. Will you read from the minutes what that action was?—A. I read from the minutes of October 28, 1902. [Reads:] "Office of the Registrar of Voters, October 28, 1902. The board of election commissioners met this Tuesday, October 28, 1902, at 9.15 o'clock a. m., pursuant to adjournment, Commissioner S. G. Kellogg presiding. On calling the roll, the following members answered the call of their names: Commissioners Boyle, Voorsanger, Deasy, Everett, and Kellogg. The matter of the instructions to election officers in relation to the counting of ballots where candidates' names appear more than once upon the ballot came up for discussion. T. D. Rioridan, esq., and Charles Gildea, esq., appeared before the board. After deliberation, Commissioner Deasy moved that where crosses are marked after the name of the same candidate for the same office in two different columns upon a ballot it shall be counted as one vote for such candidate, and that the election officers be so instructed. Adopted by the following vote: Commissioners Boyle aye, Voorsanger aye, Everett aye, Deasy aye, and Kellogg aye."

Q. That is all the minutes show in that connection, is it, Mr. Walsh?—A. Yes, sir; that is all.

Q. And the minutes are subscribed by you?—A. Yes, sir.

Q. I show you what purports to be a certified copy of the minutes you have read and ask you if that certificate is made by you?—A. Yes, sir.

Q. That is your signature?—A. Yes, sir.

Q. And that is a true copy of the minutes of the date mentioned?—A. Yes, sir.

Cross-examination:

Mr. DIBBLE. You personally compared that copy with the minutes, Mr. Walsh, and know it to be correct?—A. Yes, sir.

Attest:

THOS. J. WALSH.

Mr. TEVLIN. I offer the certified copy mentioned, and direct that the same be marked "Contestee's Exhibit No. 3."

J. H. ZEMANSKY, recalled.

Mr. DIBBLE. Contestant objects to the testimony of the witness on the ground that it is immaterial.

By Mr. TEVLIN:

Q. Mr. Zemansky, you have been called before in this matter and have been sworn, have you not?—A. Yes, sir.

Q. Mr. Zemansky, as deputy registrar of voters of the city and county of San Francisco, did you carry out the orders contained in a resolution of the board of election commissioners passed on October 28, 1902, directing that election officers in the city and county of San Francisco be instructed to count as one vote ballots on which there are crosses after names appearing in both the Democratic and Union Labor columns?—A. Yes, sir. On the Sunday preceding the 4th of November, 1902, the election officers or most of the election officers of the city and county of San Francisco met at B'nai Brith hall in this city, pursuant to a call issued from our office. At that meeting I instructed the election officers in their duties, and in the course of my explanations to them I instructed them according to the resolution of the board of election commissioners to count as one vote ballots that were marked in both the Democratic and Union Labor columns for the same candidate.

Attest:

J. H. ZEMANSKY.

Mr. TEVLIN. Contestee now offers in evidence all of the ballots cast in the Fourth Congressional district of the State of California at the election held on November 4, 1902, and demands that the registrar of voters deliver said ballots to the notary to be forwarded to the Clerk of the House of Representatives as exhibits in this proceeding.

Not waiving said demand, however, it is agreed by and between counsel for contestant and contestee that the ballots may remain in the custody of the registrar of voters of this city and county until such time as their production shall be required by the Committee on Elections of the House of Representatives or by other proper Congressional process.

R. F. GALLAGHER, being duly sworn, deposed and testified as follows:

Mr. DIBBLE. Contestee objects to the testimony of the witness on the ground that it is immaterial.

I am a stenographer, and I acted as official stenographer in the case of Chatham v. Mansfield, a proceeding to contest the election to the office of sheriff of the county of San Mateo, the trial of which took place before Hon. F. J. Murasky, a judge of the superior court of the State of California in and for the city and county of San Francisco, presiding in this matter in the superior court in and for the county of San Mateo, State of California.

The county of San Mateo is in the Fifth Congressional district of the State of California, and on the ballots cast in that county the name W. J. Wynn was printed in both the Democratic and Union Labor columns as a candidate for Representative in Congress for the Fifth Congressional district.

In said proceeding the following took place on Friday, December 26, 1902, in and during the trial of said action:

"Mr. ROSS (counsel for one of the parties, referring to a ballot upon which the name W. J. Wynn was printed in both the Democratic and Union Labor columns, and opposite which there was a cross stamped in the voting square opposite the name in each column). We object to this ballot, if your honor please, upon the ground it has distinguishing marks on it, in that it has a cross stamped against the name W. J. Wynn for Congress, under the heading Democratic ticket, and also has a cross stamped opposite the name W. J. Wynn, candidate for Congress, on the Union Labor ticket—two crosses for the same candidate on the same ticket.

"The COURT. I overrule the objection.

"Mr. ROSS. We note an exception.

"Mr. FITZPATRICK (counsel for the other of the parties to said proceeding). That will be counted?

"The COURT. Yes, sir."

Cross-examination:

On cross-examination the witness testified that at the time the decision of the court on the question of the double-stamped ballots was made the court delivered no opinion on the matter other than as expressed in the ruling read into the record by the witness.

Attest:

ROBT. F. GALLAGHER.

Mr. TEVLIN. I now offer an article appearing on page 6 of the San Francisco Chronicle for Wednesday, November 12, 1902, entitled "Ordinary election blunders," and ask that it be marked "Contestee's Exhibit No. 4." <sup>a</sup>

Mr. DIBBLE. Contestant objects to the offer of the article mentioned by counsel for contestee as immaterial, in that it could in no wise affect the result of the election, being of a date subsequent to November 4, 1902.

Mr. TEVLIN. I now offer an article appearing in the San Francisco Chronicle of Saturday, November 8, 1902, on page 14 thereof, entitled "All talk of patronage," and ask that it be marked "Contestee's Exhibit No. 5." <sup>a</sup>

Mr. DIBBLE. Contestant objects to the offer of the article mentioned by counsel for contestee as immaterial, in that it could in no wise affect the result of the election, being of a date subsequent to November 4, 1902.

Mr. TEVLIN. I also offer an article appearing in the San Francisco Chronicle for Friday, November 7, 1902, on page 14 thereof, entitled "Fraud noted in the count—Friends of Congressman Kahn report that returns are incorrect," and ask that it be marked "Contestee's Exhibit No. 6." <sup>a</sup>

Mr. DIBBLE. Contestant objects to the offer of the article mentioned by counsel for

<sup>a</sup> Omitted in printing.



contestee as immaterial, in that it could in no wise affect the result of the election, being of a date subsequent to November 4, 1902.

Mr. TEVLIN. I now offer an article printed in the San Francisco Chronicle for Thursday, November 6, 1902, on page 9 thereof, entitled "Congressman Kahn may demand recount of votes cast in the Fourth district—Friends say Kahn was counted out—Specific allegations of fraud that may lead to a recount of the vote," and ask that it be marked "Contestee's Exhibit No. 7." <sup>a</sup>

Mr. DIBBLE. Contestant objects to the offer of the article mentioned by counsel for contestee as immaterial, in that it could in no wise affect the result of the election, being of a date subsequent to November 4, 1902.

Mr. TEVLIN. I now offer an article printed in the San Francisco Chronicle for Wednesday, November 5, 1902, on page 8 thereof, entitled "Congressman Kahn says he is confident of reelection," and ask that it be marked "Contestee's Exhibit No. 8." <sup>a</sup>

Mr. DIBBLE. Contestant objects to the offer of the article mentioned by counsel for contestee as immaterial, in that it could in no wise affect the result of the election, being of a date subsequent to November 4, 1902.

Mr. TEVLIN. I now offer an article appearing in the San Francisco Chronicle for Thursday, November 20, 1902, on page 6 thereof, entitled "Lesson of the election returns," and ask that it be marked "Contestee's Exhibit No. 9." <sup>a</sup>

Mr. DIBBLE. Contestant objects to the offer of the article mentioned by counsel for contestee as immaterial, in that it could in no wise affect the result of the election, being of a date subsequent to November 4, 1902.

Mr. TEVLIN. I now offer an article appearing in the San Francisco Chronicle for Thursday, January 1, 1903, on page 6 thereof, entitled "The disfranchisement of voters," and ask that it be marked "Contestee's Exhibit No. 10." <sup>a</sup>

Mr. DIBBLE. Contestant objects to the offer of the article mentioned by counsel for contestee as immaterial, in that it could in no wise affect the result of the election, being of a date subsequent to November 4, 1902.

Mr. TEVLIN. I now offer an article appearing in the San Francisco Chronicle for Wednesday, October 29, 1902, on page 7 thereof, entitled "Double vote to count as one—Election commissioners decide the matter of tallying—Dual nomination was mooted question—Cross may be stamped opposite name as often as it appears," and ask that it be marked "Contestee's Exhibit No. 11." <sup>a</sup>

Mr. DIBBLE. Contestant objects to the offer of this article of October 29, 1902, on the ground that it is immaterial, irrelevant, and incompetent.

Mr. TEVLIN. I now offer an article appearing in the San Francisco Call for Wednesday, October 29, 1902, on page 5 thereof, entitled "How vote is to be counted—Election board rules on the stamping of ballots—Decision affecting two candidates for Congress," and ask that it be marked "Contestee's Exhibit No. 12." <sup>a</sup>

Mr. DIBBLE. Contestant objects to the offer of this article of October 29, 1902, on the ground that it is immaterial, irrelevant, and incompetent.

Mr. TEVLIN. I now offer an article appearing in the San Francisco Examiner for October 29, 1902, on page 2 thereof, entitled "Double stamping same name does not invalidate ballot" and ask that it be marked "Contestee's Exhibit No. 13." <sup>a</sup>

Mr. DIBBLE. Contestant objects to the offer of this article of October 29, 1902, on the ground that it is immaterial, irrelevant, and incompetent.

Mr. TEVLIN. I now offer an article appearing in the Evening Post for Tuesday, October 28, 1902, on page 3 thereof, entitled "Two marks to be counted once—The election commissioners will consider intention of voters," and ask that it be marked "Contestee's Exhibit No. 14." <sup>a</sup>

Mr. DIBBLE. Contestant objects to the offer of this article of October 28, 1902, on the ground that it is immaterial, irrelevant, and incompetent.

Mr. TEVLIN. I now offer an article printed in the Bulletin for Tuesday, October 28, 1902, on page 1 thereof, entitled "Double stamp on ballot valid—Such designation will count as one vote," and ask that it be marked "Contestee's Exhibit No. 15." <sup>a</sup>

Mr. DIBBLE. Contestant objects to the offer of this article of October 28, 1902, on the ground that it is immaterial, irrelevant, and incompetent.

Mr. TEVLIN. Will you admit, Mr. Dibble, that the papers to which I have referred are papers of general circulation and varied political views, published in the city and county of San Francisco?

Mr. DIBBLE. Yes; I will make that admission.

(It was here stipulated by and between counsel for the respective parties that each and all of said articles should be considered as read.)

Mr. TEVLIN. I now offer the following from the Journal of Senate Proceedings for

the Thirty-fifth Session of the Legislature of the State of California, there printed under the date of January 22, 1903:

“REPORT OF SPECIAL COMMITTEE.

“The following report of special committee was received and read:

“SPECIAL COMMITTEE ON ELECTION CONTEST.

“SENATE CHAMBER, *Sacramento, January 22, 1903.*

“MR. PRESIDENT: A majority of your special committee on election contest of J. A. Hubbard *v.* Clifford Coggins for a seat in the senate, beg leave to report that we have had the same under consideration, and after examination of the papers therein and listening to the claims and arguments of the contestant and contestee, represented by counsel, we believe that said contestee, Clifford Coggins, is entitled to his seat.

“The pleadings in this contest do not charge any actual fraud, but base the contest upon constructive fraud. This committee is of the unanimous opinion that fraud which results from marks placed upon ballots and denominated as distinguishing marks should not be a ground of contest, unless such marks were the result of a prearranged plan or agreement to place them there by the voter, which is not claimed by the contestant to have been the case.

“The committee is of the unanimous opinion that the intention of the voter should prevail, and distinguishing marks upon ballots, not the result of actual fraud, should be disregarded.

“And therefore, as the abstract of statement of the vote polled in the Second senatorial district of California, so far as the same relates to the votes given for persons for senator, as furnished this committee by the secretary of state, shows upon its face that said Coggins received a plurality of the votes cast at the last general election for said office, the same being certified to by George L. Tomb, the county clerk of Lassen County: Therefore, be it

“Resolved, That Clifford Coggins be, and he is hereby, declared to be entitled to retain his seat and to retain the office of senator from and in and for the Second senatorial district of the State of California.

“RALSTON, *Chairman.*

“KNOWLAND,

“GREENWELL.”

“SPECIAL COMMITTEE ON ELECTION CONTEST—MINORITY REPORT.

“SENATE CHAMBER, *Sacramento, January 22, 1903.*

“MR. PRESIDENT: I am opposed to, and differ from, the majority in the result this day declared in the action of Hubbard *v.* Coggins.

“While I am in favor of considering that no ballot should be declared illegal as having identifying marks upon it, unless it be shown that such identifying marks were actually placed there by previous agreement or combination. In other words, I shall not indulge in the presumption of constructive fraud, and am therefore willing that the attorney for contestant and contestant himself, as is requested by them, shall be given until 3 o'clock to-morrow afternoon, January 23, 1903, at which time to fully and fairly state what evidence, if any, tending to establish actual fraud in the casting of any ballot for contestee, or the declaration of the result in any precinct in the Second senatorial district, and that if any actual fraud can be shown, the result of which would change the result in the total number of votes cast in said Second senatorial district for the contestant and against the contestee, I am in favor of the committee hearing all such evidence and determining the result thereof.

“For that reason I dissent from the views of the majority of this committee, and ask that the majority report be not adopted, and that the matter be referred back to the committee, and that the committee hear contestant and his counsel as to what evidence they desire to introduce in the premises.

“Respectfully submitted.

“J. B. CURTIN.”

“Senator Ralston moved the adoption of the majority report.

“Report and resolution read.

“The question being on the adoption of the majority report and resolution,

“The roll was called, and the majority report and resolution adopted by the following vote:

“Ayes: Senators Belshaw, Byrnes, Caldwell, Corlett, Devlin, Diggs, Flint, French, Greenwell, Hahn, Hubbell, Knowland, Lardner, Leavitt, Luchsinger, Lukens, Nel-

son, Oneal, Pendleton, Ralston, Rowell, Savage, Selvage, Shortridge, Tyrrell of San Francisco, Tyrrell of Nevada, Ward, Welch, Williams, Wolfe, and Woodward—31. Noes: Senator Curtin—1.

“EXCUSED FROM VOTING.

“When Senator Coggins’s name was called he arose and asked that unanimous consent be given him to refrain from voting, as he had a personal interest in the pending contest.

“Unanimous consent granted.” (Pages 27–28.)

Mr. DIBBLE. Contestant objects to said offer from the Journal of Senate Proceedings on the ground that it is immaterial, incompetent, and irrelevant.

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CONTESTEE’S EXHIBIT No. 1.

SAN FRANCISCO; March 24, 1903.

Mr. JULIUS KAHN and Messrs. HENRY C. DIBBLE & DIBBLE, *His Attorneys*.

GENTLEMEN: Please take notice that I will begin the taking of the depositions of witnesses on the 26th day of March, 1903, at the hour of 9 o’clock in the forenoon of that day, before P. J. Kennedy, a notary public in and for the city and county of San Francisco, State of California, at the office of the registrar of voters of said city and county in the new city hall, said depositions to be offered and read as evidence in my behalf in the matter of the contest of my election as a Representative in Congress for the Fourth Congressional district now pending between Mr. Julius Kahn and myself.

If for any cause the taking of said depositions be not commenced, or if commenced be not concluded, on the day above named, the taking of the same will be continued from day to day or from time to time at the same place, or at such other place as may be agreed upon, and between the hours of 9 o’clock a. m. and 11.30 o’clock p. m., until such depositions are completed.

The names of the witnesses and their addresses are as follows: Thomas J. Walsh, new city hall, San Francisco; J. H. Zemansky, new city hall, San Francisco; and each of said witnesses will be duly served with a subpoena duces tecum requiring them to produce the ballots cast at the election held on the 4th day of November, 1902, in the Fourth Congressional district of the State of California.

Yours, etc.,

EDWARD J. LIVERNASH, *Contestee*,  
By JAS. F. TEVLIN, *Counsel for Contestee*.

The service of the within notice is hereby admitted this 24th day of March, 1903.

JULIUS KAHN,  
By HENRY C. DIBBLE & DIBBLE,  
*His Attorneys*.

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CONTESTEE’S EXHIBIT No. 2.

SAN FRANCISCO, April 16, 1903.

Mr. JULIUS KAHN and Messrs. HENRY C. DIBBLE & DIBBLE, *His Attorneys*.

GENTLEMEN: You will please take notice that I will take the depositions of the witnesses whose names and addresses are hereinafter stated on the 18th day of April, 1903, at the hour of 10 o’clock a. m., before P. J. Kennedy, a notary public in and for the city and county of San Francisco, State of California, at room 9 in the new city hall of the said city and county, the said depositions to be read in my behalf in the matter of the contest by Julius Kahn of my election as a Representative in Congress for the Fourth Congressional district of said State.

The names and addresses of the witnesses are: F. J. Thompson, 529 Mission street, San Francisco; R. F. Gallagher, 1382 Market street, San Francisco; Thomas J. Walsh, new city hall, San Francisco; Jas. F. Tevlin, 927 Market street, San Francisco.

EDWARD J. LIVERNASH, *Contestee*,  
By JAS. F. TEVLIN, *Attorney for Contestee*.

Received a true copy of the foregoing notice this 16th day of April, 1903.

JULIUS KAHN,  
By HENRY C. DIBBLE & DIBBLE,  
*Attorneys for Contestant*.



## CONTESTEE'S EXHIBIT No. 3.

OFFICE OF THE REGISTRAR OF VOTERS, *October 28, 1902.*

The board of election commissioners met this Tuesday, October 28, 1902, at 9.15 o'clock a. m., pursuant to adjournment, Commissioner S. G. Kellogg presiding.

On calling the roll the following members answered to the call of their names: Commissioners Boyle, Voorsanger, Deasy, Everett, Kellogg.

On motion, the reading of the minutes of October 27, were dispensed with.

The matter of the instructions of the election officers in relation to the counting of ballots where candidates' names appear more than once on the ballot, came up for discussion.

T. D. Riordan, esq., and Chas. Gildea, esq., appeared before the board.

After deliberation, Commissioner Deasy moved that, where crosses are marked after the name of the same candidate for the same office in two different columns upon a ballot it shall be counted as one vote for such candidate, and that the election officers be so instructed.

Adopted by the following vote: Commissioner Boyle, aye; Voorsanger, aye; Deasy, aye; Everett, aye; Kellogg, aye.

Commissioner Voorsanger moved that when the commission adjourn it adjourn to meet Monday, November 10, 1902, at 9 o'clock a. m.

Adopted.

Thereupon the commission adjourned.

Respectfully submitted.

THOS. J. WALSH, *Registrar of Voters.*

I, Thos. J. Walsh, registrar of voters of the city and county of San Francisco, State of California, do hereby certify that the foregoing is a true copy of the minutes of the board of election commissioners of the city and county of San Francisco, State of California, of October 28, 1902.

Witness my hand and seal this 16th day of April, A. D. 1903.

[SEAL.]

THOS. J. WALSH, *Registrar of Voters.*

STATE OF CALIFORNIA,

*City and County of San Francisco, ss:*

I, P. J. Kennedy, a notary public in and for the city and county of San Francisco, State of California, do hereby certify that the witnesses whose depositions are hereto annexed, to wit, Thomas J. Walsh, J. H. Zemansky, Frank J. Thompson, R. F. Gallagher, and James F. Tevlin, were examined and testified before me on behalf of the contestee in the matter of Julius Kahn, contesting the election of Edward J. Livernash to a seat in the Fifty-eighth Congress of the United States for the Fourth Congressional district of the State of California, contestant, *v.* Edward J. Livernash, contestee, and that their testimony was by R. H. Elder reduced to writing in the presence of Messrs. Henry C. Dibble and Oliver Dibble, counsel for contestant, and James F. Tevlin, counsel for contestee; that the said several witnesses were by me severally and duly sworn before being examined; that the said testimony was taken at the city hall of the said city and county of San Francisco, commencing on the 26th day of March, 1903, and thereafter from time to time by agreement adjourning until the 18th day of April, 1903; and that said depositions were severally duly taken, sworn to, attested, and subscribed before me at the times and places above mentioned herein.

Given under my hand and notarial seal this 22d day of April, 1903.

[SEAL.]

P. J. KENNEDY,

*Notary Public in and for the City and County of San Francisco.*

## REBUTTAL TESTIMONY FOR CONTESTANT.

Rebuttal testimony for the contestant taken before Eugene W. Levy, notary public, at San Francisco, Cal., beginning at 10 o'clock a. m., April 28, 1903.

Present: Henry C. Dibble & Dibble, attorneys for contestant, and James F. Tevlin, attorney for contestee.

Notice to take deposition duly acknowledged by counsel for contestee was filed with the notary.

Gertrude M. Doggett was sworn as a stenographer to report and reduce to writing the testimony.

Mr. OLIVER DIBBLE. I here offer in evidence the notice of the taking of this rebuttal testimony, as follows:

"SAN FRANCISCO, April 25, 1903.

"EDWARD J. LIVERNASH, Esq., or JAMES F. TEVLIN, Esq.,

*"His attorney duly appointed and authorized:*

"Please take notice that I will take the deposition in rebuttal of the witness whose name and residence are hereinafter given, and offer certain printed papers, in rebuttal, on Tuesday, the 28th day of April, 1903, at the hour of 10 o'clock a. m., before Eugene W. Levy, a notary public in and for the city and county of San Francisco, State of California, at his offices, Nos. 24-25, fifth floor, Mills Building, in the city and county of San Francisco, to be read as evidence in my behalf in the matter of the contest of your election as Representative in the Fifty-eighth Congress of the United States for the Fourth Congressional district of the State of California, of which contest I have given you notice.

"If for any reason the taking of said deposition be not commenced, or, if commenced, be not concluded, on the day above named, the taking of the same will be continued until the next day at the same time and place or to such other time and place as may be agreed upon on the first-mentioned day or on the day succeeding, and will be continued until such deposition be concluded.

"The name and address of the witness to be examined is Henry C. Dibble, residing at 2515 Van Ness avenue, San Francisco.

"JULIUS KAHN, *Contestant.*

"By HENRY C. DIBBLE & DIBBLE,

*"Counsel for Contestant.*

"Receipt of copy of the within notice acknowledged this 23d day of April, A. D. 1903.

"JAS. F. TEVLIN,

*"Attorney for Contestee."*

Objected to by Mr. Tevlin on ground that notice was not given as required by the statutes.

HENRY C. DIBBLE, being sworn, deposes and says:

By Mr. OLIVER DIBBLE:

Q. Have you with you copies of the Daily Journal of the assembly of the California legislature of January 22, 1903, and February 10, 1903?—A. I have.

(Objected to on the ground that it is immaterial.)

Q. Can you state from these documents what, if any, action was taken by the assembly of the California legislature in the contested election case of Wanzer v. Duffey?—A. I can.

(Objected to on the ground that it is immaterial.)

Q. Proceed.—A. In the first place I read from the Journal of the assembly of January 22, 1903, a resolution adopted by the house requiring the committee on contested elections to count the ballots in that case and all other pending contested election cases in which the question of which candidate received the greater number of legal ballots was at issue.

The resolution, as appears by the Journal of the assembly of January 22, 1903, at page 23, is as follows:

"Whereas the committee on contested elections has had referred for its consideration the papers in certain contests of election; and

"Whereas it is manifestly necessary for said committee, in order to properly pass upon said cases, to subpoena witnesses and bring persons and papers, including ballots, before said committee for examination:

"*Resolved*, That the committee on contested elections is hereby authorized, empowered, and directed to send for persons and papers, including election ballots, as provided in sections 283 and 300 of the Political Code, and to count such ballots and report the result to the assembly in any and every case where the contest depends upon the question of which candidate received the greater number of legal ballots cast."

Subsequently, after the contested election of Wanzer *v.* Duffey was heard by the committee on contested elections of the assembly, the committee, as shown by the assembly Journal of February 10, 1903, page 3, reported as follows:

"REPORT OF STANDING COMMITTEE ON CONTESTED ELECTIONS—MAJORITY REPORT.

"ASSEMBLY CHAMBER,  
"Sacramento, February 5, 1903.

"MR. SPEAKER: Your committee on contested elections, to whom was referred the contest of Wanzer *v.* Duffey for a seat in this assembly from the Fifty-fourth assembly district, have had the same under consideration, and beg leave to report as follows:

"The ballots in said contest were counted in keeping with the following resolution adopted by this committee:

"*Resolved*, That in counting the disputed ballots we follow the decisions of the supreme court; lay aside such ballots as are rejected by the supreme court; keep a tally of such ballots as are rejected; report the result of the count under the supreme court decision; also what the result would be should all the ballots be counted, and make a recommendation."

"Having counted all the ballots in said district, with the exception of Castle Rock precinct (which said precinct contained 12 votes and was rejected because the polling place was not within said assembly district), we find the following result:

"Rejecting 'No nomination' and other illegal ballots, the result is as follows:

"Wanzer .....	1,724
"Duffey .....	1,617

"Wanzer's majority..... 107

"Should all 'No nomination' ballots be counted, Wanzer would receive 1,820 votes and Duffey 1,845, leaving a majority of 25 votes in favor of Mr. Duffey.

"Counting all the ballots cast, illegal and otherwise, Mr. Wanzer received 1,919 votes and Mr. Duffey 1,943, giving a majority of 24 votes for Mr. Duffey.

"A majority of your committee recommend to the assembly that the construction of the election law, as declared by the supreme court of this State, be followed, and that the so-called 'No nomination' ballots be not counted, and Mr. Wanzer be declared elected, and be seated as member of this assembly from the Fifty-fourth assembly district.

"Respectfully submitted,

"WRIGHT, *Chairman*.  
"CAMP,  
"MATTOES,  
"LEININGER,  
"ELLIS.

"ON CONTESTED ELECTIONS—MINORITY REPORT.

"ASSEMBLY CHAMBER,  
"Sacramento, February 5, 1903.

"MR. SPEAKER: A minority of your committee on contested elections, having considered the contest of Harry S. Wanzer, contestant, *v.* A. D. Duffey, beg leave to report that we have had the same under consideration, and after examining the papers in such contest, the testimony taken, and the ballots voted at said election, we believe and we report that A. D. Duffey is entitled to retain his seat as member of the assembly from the fifty-fourth assembly district of said State of California.

"We find that at the election held in Santa Cruz County on November 4, 1902, that said contestee, A. D. Duffey, was, on November 12, 1902, by the board of supervisors of Santa Cruz County declared elected to such office, and that he thereupon qualified as such member of assembly, and a certificate of his election was delivered to him by the county clerk of said county of Santa Cruz.



"That at said election your committee finds that said contestee, A. D. Duffey, received 1,845 legal ballots, and that said contestant received 1,820 legal ballots, being a majority of 25 legal votes cast for said A. D. Duffey.

"That near the bottom of the second or Democratic column of all the tickets used at said election were the words, 'For surveyor, no nomination,' and that such words were followed by a square similar to that following the names of candidates for office appearing on said ballots. That on 228 of the ballots cast for said Duffey there appeared a cross stamped in the square to the right of said words, 'For surveyor, no nomination.' That more than two such ballots were cast in every precinct of said county, but that said cross did not serve to identify or distinguish nor did it identify or distinguish said ballots or any of them, nor could they serve such purpose.

"That said contestant, Harry S. Wanzer, was, on January 15, 1903, and had been at all times for more than one year continuously prior thereto, assistant postmaster of the United States at Santa Cruz, Cal.; that such position was a lucrative office, and that the compensation thereof exceeds the sum of \$600 per year, and this minority of your committee finds that under section 20 of Article IV of the constitution of California, said contestant, Wanzer, was at all times herein mentioned and now is ineligible to hold the office of member of the assembly: Therefore be it

"*Resolved*, That said contestee, A. D. Duffey, is entitled to retain his seat and to continue to be member of the assembly in and for the fifty-fourth assembly district of said State of California.

"DUNBAR,

"FINN,

"*Minority of said Committee.*"

(Objected to on the ground that it is immaterial.)

Q. What was the action of the house as appears from the journal?—A. The report of the majority was adopted by the house, Assembly Journal of February 10, 1903, page 4, and Mr. Wanzer was seated, as shown by the following:

"Mr. Wright moved the adoption of the majority report.

"Mr. Johnson seconded motion.

"Mr. Snyder moved to amend by substituting the word 'minority' for 'majority.'

"Mr. Bangs seconded the amendment.

"Mr. Johnson moved that debate be limited to thirty minutes on each side.

"So ordered.

"The question being on the adoption of the amendment,

"The ayes and noes were demanded by Messrs. Dunbar, Snyder, and Dougherty.

"The roll was called and the amendment lost by the following vote: Ayes: Messrs. Bangs, Baxter, Copus, Covert, Dougherty, Dunbar, Finn, Howard, Kerrigan, Killingsworth, Lumley, Mahany, McConnell, McMahon, Murphy, Siskron, and Snyder—17. Noes: Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Camp, Carter, Cromwell, Dorsey, Drew, Dunlap, Foster, Gleason, Goodrich, Greer, Hart, Houser, John, Johnson, Johnstone, Kelso, King, Knight, Lewis, of Riverside, Mattos, McCartney, McKenney, McLaughlin, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Wright, and the Speaker—52.

"Mr. Snyder submitted the following amendment:

"'Be printed in the journal and further consideration be postponed until Thursday morning at 10 o'clock a. m.'

"Mr. Johnson moved the previous question; seconded by Messrs. Boisson, Bliss, and Wright.

"So ordered.

"The question being on the adoption of the amendment,

"Amendment lost.

"Mr. Duffey addressed the assembly, and at the conclusion of his address Mr. Camp moved that Mr. Duffey be permitted to print his statement in the journal.

"So ordered.

"STATEMENT.

"SACRAMENTO, February 10, 1903.

"MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY: I desire to say a few words in defense of my claim to a seat amongst your honorable body. Having been declared duly elected by an honest majority of the votes cast in my county on the 4th day of November last, it is not to be doubted but that the election officers of the different precincts were honest and faithful in the discharge of their duties and did what in their judgment was fair to both candidates; that the honorable board of supervisors

canvassed and counted the vote. That I was declared legally elected by that canvassing board to the honorable office of assemblyman from the fifty-fourth district of California. And to that end the county clerk of my county delivered to me a certificate, attested by his signature.

"Therefore, gentlemen, under those conditions and fully believing myself entitled to it, I claim my seat in this house, and hope the honorable members of this body, considering all things, will find in my favor. I thank you, gentlemen, for your attention.

"A. D. DUFFEY.

"The question being on the adoption of the majority report,

"The ayes and noes were demanded by Messrs. Dunbar, Snyder, and Dougherty.

"The roll was called, and the report adopted by the following vote: Ayes: Messrs. Allen, Amerige, Barber, Barnes, Bates, Black, Bliss, Boisson, Brown, Burgess, Camp, Carter, Cromwell, Dorsey, Drew, Dunlap, Ells, Foster, Gleeson, Goodrich, Greer, Hart, Houser, John, Johnson, Johnstone, Kelso, King, Knight, Lewis of Riverside, Lewis of San Francisco, Mattos, McCartney, McKenny, McLaughlin, McMartin, McNeil, Moore, Olmsted, Pann, Prescott, Pyle, Rolley, Soward, Stansell, Stanton, Steadman, Susman, Traber, Transue, Walker, Walsh, Waste, Wright, and the Speaker—55. Noes: Messrs. Bangs, Baxter, Copus, Covert, Dougherty, Dunbar, Finn, Howard, Kerrigan, Killingsworth, Lumley, Mahany, McConnell, McMahon, Murphy, Siskron, and Snyder—17."

(Objected to on the ground that it is immaterial.)

Mr. DIBBLE. That is all.

HENRY C. DIBBLE.

Subscribed and sworn to before me this 28th day of April, A. D. 1903.

[SEAL.]

EUGENE W. LEVY,

*Notary Public in and for the City and County of San Francisco, State of California.*

This closed the contestant's testimony in rebuttal.

STATE OF CALIFORNIA, *City and County of San Francisco, ss:*

I, Eugene W. Levy, a notary public in and for the city and county of San Francisco, State of California, and residing in the Fourth Congressional district of the State of California, do hereby certify that the witness whose deposition is hereto annexed, to wit, Henry C. Dibble, was examined and testified before me in behalf of the contestant in the matter of Julius Kahn, contesting the election of Edward J. Livernash to a seat in the Fifty-eighth Congress of the United States, for the Fourth district of California, contestant, *v.* Edward J. Livernash, contestee, and his testimony was by Gertrude M. Doggett reduced to writing in the presence of Messrs. Henry C. Dibble and Oliver Dibble, counsel for contestant, and James F. Tevlin, counsel for contestee; that the said witness was by me duly sworn before being examined; that the said testimony was taken at rooms 24, fifth floor, Mills Building, San Francisco, on Tuesday the 28th day of April, 1903, at the hour of 10 o'clock a. m., and that said deposition was duly taken, sworn to, attested, and subscribed before me at the time and place mentioned therein.

Given under my hand and notarial seal this 28th day of April, 1903.

[SEAL.]

EUGENE W. LEVY,

*Notary Public in and for the City and County of San Francisco, State of California.*

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